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The political opposition to the government of Charles I in Scotland.

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THE POLITICAL OPPOSITION TO THE
GOVERNMENT OF CHARLES I IN
SCOTLAND

CHRISTIAN HESKETH



SYNOPSIS

King James VI's outwardly successful reign obscured the fact that Charles inherited from him two countries, England and Scotland, neither of which had gained what had been hoped for from the Union. While the English resented the royal favours lavished on greedy Scots, the latter saw themselves despised as trading partners. The poverty of Scotland and its consequent unwillingness to accept any increase in tax faced the young King with a problem he failed to resolve. He inherited a Scottish Council composed largely of his father's contemporaries. They did not expect to find in his son a king bent on reform, though in the field both of land reform and the composition of the Court of Session he was pursuing his father's policies.

The Convention of 1625 revived memories of the 1621 Parliament when the Crown's religious and financial policies had been questioned and to some extent opposed. The King's visit to Scotland in 1633 is often portrayed as more of a confrontational dialogue than contemporary evidence suggests. Nevertheless, some of the nobles, headed by Rothes, insisted that issues the King considered settled should be reopened; by doing so, they lost the King's goodwill. Lord Ochiltree claimed that the Marquis of Hamilton with other noblemen aimed to depose Charles; this widened the gap between the King in England and his most influential Scottish subjects.

Balmerino's Supplication may not have been, as tradition claims, a fortuitous event, but a plot designed to bring to the King's attention arguments which in his view were closed. The disorder in Aberdeenshire following the death of Lord Melgum illustrates the fragility of a society dominated by lords

who possessed armed retainers.

This thesis sets out to show that Charles I, though a poor communicator, did promote reforms which, in spite of their initial unpopularity, were accepted. It also suggests that the problems confronting him were more considerable than is generally assumed.

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LIST OF ABBREVIATIONS

<i>Ancram</i>	Laing, D. (ed.), <i>Correspondence of Sir Robert Kerr the first Earl of Ancram and his son William third Earl of Lothian</i> , 2 vols. (Bannatyne Club, Edinburgh, 1875).
<i>APS</i>	<i>The Acts of the Parliament of Scotland</i> , eds. T. Thomson and C. Innes, 12 vols. (Edinburgh, 1814-1875).
<i>CP</i>	Gibbs V. et al. (eds.), <i>The Complete Peerage</i> , 13 vols. (London, 1910-40).
<i>CSPC</i>	<i>Calendar of State Papers, Colonial (1574-1714)</i> , ed. W. Sainsbury, 31 vols. (1860-1969).
<i>CSPDom. James VI</i>	<i>Calendar of State Papers Domestic Series of the Reign of James I (1603-1625)</i> , ed. M. Green (1857).
<i>CSPDom. Charles</i>	<i>Calendar of State Papers Domestic Series of the Reign of Charles I (1625-1641)</i> , eds. J. Bruce, M. Green and W. Hamilton, 17 vols. (London, 1858-1882).
<i>CSPVen.</i>	<i>Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice and in other Libraries of Northern Italy</i> , ed. A. B. Hinds, vols. XIX-XXIV (1625-39) (London, 1913-1923).
<i>Denmilne</i>	Denmilne MSS, National Library of Scotland. See below, MSS.
<i>EHR</i>	<i>English Historical Review</i>
<i>HMC</i>	Historical Manuscripts Commission
<i>HMC, M&K</i>	Historical Manuscripts Commission, <i>MSS of the Earls of Mar & Kellie</i> (60) 1904, Supplement 1930
<i>Melrose Papers</i>	<i>State Papers and Miscellaneous Correspondence of Thomas Earl of Melrose</i> , 2 vols., (The Abbotsford Club, Edinburgh, 1837).
<i>Menteith</i>	Fraser, Sir W., <i>The Red Book of Menteith</i> , 2 vols. (Edinburgh, 1880).
<i>Moray Papers</i>	MSS of the Earl of Moray, seen at West Register House, Edinburgh. See below, MSS.
<i>Napier</i>	'A True Relation of the Unjust Pursuit against Lord Napier', <i>Memoirs of Archibald, First Lord Napier</i> (Edinburgh, 1793).
<i>NLS</i>	National Library of Scotland
<i>Peerage of Scotland</i>	<i>The Peerage of Scotland</i> , ed. Sir R. Douglas of Glenbervie, 2 vols. (Edinburgh, 1813).
<i>Reg.Mag.Sig.S.</i>	Thomson, J. M. (ed.), <i>Registrum Magni Sigilli Regnum Scotorum 1609-1620</i> (Edinburgh, 1892).
<i>RPC</i>	Masson D. and Brown P. (eds.), <i>The Register of the Privy Council of Scotland</i> , 1st series vols. VI-XIV (1599-1625) (Edinburgh, 1884-1898), 2nd series, 8 vols. (1625-1660) (Edinburgh, 1899-1908).
<i>RSCHS</i>	<i>Records of the Scottish Church History Society 1972-1974</i> , Edinburgh.
<i>Scotstarvet</i>	Neilson, G. (ed.), 'Sir J. Scot of Scotstarvet's "Trew Relation of the Principal Affaires Concerning the State"', <i>SHR</i> XI (1913-1914), XII (1914-1915), XIV (1916-1917).
<i>SP</i>	Balfour Paul, J. (ed.), <i>The Scots Peerage</i> , 9 vols. (Edinburgh, 1904-14).
<i>SHR</i>	<i>Scottish Historical Review</i>
<i>SHS</i>	Scottish History Society
<i>SRO</i>	Scottish Record Office
<i>SRO GD</i>	Scottish Record Office, Gifts and Deposits
<i>State Trials</i>	<i>Cobbett's Complete Collection of State Trials</i> , 34 vols. (London, 1809-28).

Stirling	<i>The Earl of Stirling's Register of Royal Letters Relative to the Affairs of Scotland and Nova Scotia from 1615 to 1635</i> , ed. C. Rogers, 2 vols. (Edinburgh, 1885).
Taymouth	<i>The Black Book of Taymouth</i> , ed. C. Innes, (Bannatyne Club, Edinburgh, 1855).
Traquair House MSS	Traquair House MSS, Traquair House, Peebleshire
Wodrow	Wodrow MSS, National Library of Scotland

NOTE ON CONVENTIONS USED IN THIS THESIS

The Scots pound was worth one-twelfth of its English equivalent; the merk was worth two-thirds of one Scots pound.

All dates are New Style (according to the Gregorian calendar) with the calendar year beginning 1 January as was the rule in Scotland in the seventeenth century.

INTRODUCTION

Until recently, Scottish history was treated as a self-contained discipline, to be studied in its own right, without reference to events in England except in so far as these directly impinged on it. Over the last twenty-five years, however, a transformation has taken place in the study not only of Scottish but also of English and Irish history, with increasing emphasis being placed upon the complex interrelationships between the constituent parts of the 'British archipelago'. The role of monarchs ruling multiple kingdoms has also come under close scrutiny, and the problems faced by James VI and Charles I can now be profitably compared with those which confronted, for instance, Philip III and IV of Spain. This makes it possible to identify policies and attitudes which were common to most, if not all, early modern rulers, and those which were specifically British. In short, Scottish, English and Irish history are gradually being subsumed into 'British' history, at the same time as British history sheds its isolationist perspectives and takes increasing account of the European – as well as the extra-European – dimensions.¹

In the eight succeeding chapters of this thesis, it is hoped to show some of the reasons why a king who succeeded his father as undisputed sovereign of an apparently peaceful realm in 1625 faced such strong opposition to his rule within little more than a decade. In any work dealing with the policies of Charles I in Scotland it is important to consider the aims he inherited from his father, not forgetting the latter's success in making himself acceptable both as

¹ H. Koenigsberger, *Politicians and Virtuosi. Essays in Early Modern History* (London, 1986).

King of Scots and a foreign prince presented to England and cautiously welcomed, as the least unacceptable of Elizabeth's heirs. In assessing his achievements Conrad Russell reminds us that under Henry VIII's will the Crown, should his own line fail, was to pass to the family of Lady Jane Grey.² With such doubts existing about the Tudor succession, James VI and I's success in securing the acceptance of the House of Stuart in England deserves praise. As king of what he, but not all his subjects, regarded as a united kingdom, he used his considerable political skills to satisfy the demands of two countries divided by religion, by two different legal systems and by a great disparity in wealth. In *The Personal Rule of Charles I*, Kevin Sharpe draws attention to the fact that all over Europe history shows how difficult it has always been for the Crown to exact obedience from subjects who do not live in the same country as their sovereign. In Sharpe's words 'there was no substitute for the power of the king's presence'.³

After 1603 this was one of the problems confronting the new British monarchy. It was an advantage to James VI that he succeeded Queen Elizabeth as a mature politician whose main aim throughout the whole of his early life was to achieve a peaceful union between Scotland and England with himself accepted as king of both countries. When his hopes were realised, he brought to England a young and promising family, thereby ensuring, it was hoped, a peaceful succession. In addition to that he possessed some understanding of the political system by which his new subjects were governed. In this field,

² Russell, C., 'The Anglo-Scottish Union of 1603-1643: a Success?', in Fletcher A. and Roberts P. (eds.), *Religion, culture and society in early modern Britain* (Cambridge, 1994) p. 239.

³ Sharpe, K., *The Personal Rule of Charles I* (New Haven, Conn., 1992), p. 772.

however, it should not be forgotten that the Scottish king's familiarity with a parliamentary system in which the Lords of the Articles, whose election he controlled, shaped the parliamentary agenda, did not prepare him for the independence of the House of Commons. Although there is increasing support for the view that the Scottish Parliament in its form and functions was a more sophisticated instrument of government than tradition records, I do not share this opinion. The power exercised by the Lords of the Articles ensured that any form of parliamentary debate was confined to the last day's sitting. This was the only moment when parliamentarians who were not on the Articles were in a position to comment on legislation which they were then called upon to approve.⁴ The resentment which this practice provoked was increasingly evident in the last years of James VI's reign and was a very important factor in the discontent to which the 1633 parliament, over which his son presided, gave rise. Whatever the problems it provoked, the accession of James VI brought immediate benefits. The endemic strife which was a traditional feature of life in what he insisted were the Middle Shires rather than the stormy Debateable Lands of past centuries, was much diminished. As a consequence the King felt able to disband the border guard which had previously been thought not only a necessity, but an unwelcome expense. Another of his reforms was a greatly improved postal service operating between Whitehall and Holyrood. In the union of the two countries, it was also a great bonus to Scotland, as Conrad Russell reminds us, that it was the smaller country's king who inherited the English throne and not the other way about.⁵ How readily

⁴ Jones, C. (ed.), *The Scots and Parliament* (Edinburgh, 1996).

⁵ Russell, C., 'The Anglo-Scottish Union of 1603-1643: a Success?', in Fletcher and Roberts (eds.), p. 251.

the Scots would have accepted an English prince had the situation in 1603 been reversed, is an interesting speculation.

In his ambition to transform a unions of crowns into a union of states James was only partially successful. The number of Scots at court dependent on his bounty was a cause of discontent to Englishmen competing for the same favours. The King was also disappointed in his ambition to promote a trading partnership between the two countries, which would enable the poorer, more backward north to share in the comparative affluence of the south. In addressing his subjects, James never allowed them to forget 'the common ties of language and similitude of manners' they shared,⁶ but what he could do little to alter was a disparity of wealth between the two countries to which the Earl of Mar drew Charles's attention in a letter he addressed to him before his accession (see pp. 52-53 below). However soothing, the King's words failed to calm the doubts aroused by the Union on both sides of the border. In Chapter 1 of this treatise I have endeavoured to show that a rush of pamphlets expressing English fears echoed the doubts voiced by equally worried Scots. Robert Pont, when he wrote *Of the Union of Britayne*, saw the lawlessness of the borders and West Highlands as a dangerous weakness in any one state joined to another, and even John Russell, writing some years later and though his treatise was ostensibly about *A Happie and Blissed Union*, underlines how many causes there were for worry. One feature of the many pamphlets which followed the Union was an increased awareness on the Scottish side of an

⁶ Yule, G., 'James VI and I: Furnishing the churches in his two kingdoms', in Fletcher and Roberts (eds.), p. 183; Cuddy, N., 'The revival of the Entourage. The Bedchamber of James I 1603-1625'; in Starkey, D. (ed.), *The English Court from the Wars of the Roses to the Civil War*.

English audience to which its arguments might appeal. *Boanerges or the Humble Supplication of the Ministers of Scotland to the High Court of Parliament in England*, which was published in 1624, skilfully drew attention to the support its authors believed they might find in England. They evidently felt that outside Scotland there existed an audience of like-minded people which would respond favourably to their approach. As John Morrill has pointed out, it was more common for the Scots to offer an opinion on English church politics than vice versa.⁷

It was because of his awareness of the problems dual nationality created that James VI deliberately set out to strengthen the institutional bonds linking Scots and English. The most important of these was the Bedchamber. What resulted from the King's move south was a narrowing of the gap which historically had divided two neighbouring states and paradoxically, the breaking of links which hitherto had forged a close relationship between a Scottish king and his subjects. James's creation of a Scottish-dominated Bedchamber and its intended use was an important feature of his kingship. Its aims were to create a genuine union between two initially ill-matched partners and to reassure his northern subjects that he had not abandoned them but was still responsible to their needs. In these objectives he was only partially successful. Even the new name he favoured for the two kingdoms, of Great Britain, though accepted in Scotland, attracted the opposition in England both of the House of Commons and even of some judges.⁸ The King's response to

⁷ Morrill, J. 'A British Patriarchy. Ecclesiastical imperialism under the early Stuarts', in Fletcher and Roberts, p. 212.

⁸ Peck, L. Levy, 'Kingship, counsel and law in early Stuart Britain' in Pocock J. (ed.), *The Varieties of British Political Thought, 1500-1800* (Cambridge, 1993), pp. 97-8.

a problem which centred, as it did for Philip II, in satisfying the needs of his far-flung subjects by being in two places at once, lay in the creation of an independent Scottish Bedchamber not under English control. This was one of the problems confronting James VI as king of England and the manner in which he dealt with it is singled out for attention by Conrad Russell.⁹ What gave the Bedchamber a further purpose in James VI's eyes was that it provided him with the means to reward Scots whose duties kept them at court, by securing for them the money without which (and even with it) they were regarded as beggars by their English counterparts. Such a provision was important when it is remembered that the exchange rate of 1603, approved by James VI, was twelve Scottish pounds to one English pound. Thirty years earlier it had been fixed at six Scottish to one English pound.

In the workings of the Bedchamber a key figure was Robert Kerr, later Earl of Ancram, whom the King both knew well and trusted. He was later ousted by Buckingham. In two countries so ill-balanced in terms of power and wealth as England and Scotland, the Bedchamber also served to assuage the fears of Scots who dreaded what they felt might result from such an uneasy partnership. In creating the Bedchamber it was King James's purpose, as Russell sees it, to teach politically oriented Scots both its importance and the use to which it might be put. The presence of such a body in itself did much to promote the peaceful working of the union and its importance is demonstrated by the fact after James's death the Duke of Buckingham enlisted Charles I's support in gaining control of what both regarded as an influential

⁹ Russell, C., 'The Anglo-Scottish Union of 1603-1643: a Success?', in Fletcher and Roberts.

body. His success in doing so illustrates the changes resulting from James VI's death and in his analysis of the Bedchamber I would suggest that Russell underrates the significant difference there was between James's Bedchamber and that of his son. The letters of Scots like David Fullerton and Sir James Baillie¹⁰ show how, after 1625, a Scottish dominance of the Bedchamber ensured that on a number of occasions information reaching the King, and consequently affecting his judgement, was the outcome of personal prejudice and court intrigue. The downfall of the Earl of Menteith and Lord Napier's dismissal as Treasurer Depute both illustrate, as I set out to show in Chapter 5, the power such a body was in a position to exercise. In his dealings with the Bedchamber after his father's death Charles I's English upbringing and formal manners gave him less of an insight into its workings than James's 'light and familiar ways' which according to one contemporary, were very offensive to his son.¹¹

The marriage of 1603 was of two historically ill-matched partners. But the union, whatever disagreements it may have provoked, has survived, and this is all the more of an achievement when you look back at its birth. Then a sense of its impermanence ran deep. In an anonymous tract of 1604 presented to Robert Cecil, and which Conrad Russell quotes, the author argues that 'if people reduced under one government be not therein united, if they be set together and not into one, they are like sand without lime, subject to dissipation by every winde'.

In assessing the strength of national prejudice it is worth noting that as late

¹⁰ HMC, *Mar & Kellie*, Mar and Kellie Supplement (60).

¹¹ *Bishop Burnet's History of His own Times* (London, 1753), p. 25.

as 1731 Sir John Clerk of Penicuik wrote that ‘among both peoples old hatreds still lurk’.¹² What made the change? Sir John was writing at a time when Jacobitism was still an important factor in Scottish thinking. When the Treaty of Union of 1707 brought about the demise of an independent Scottish parliament the Earl of Seafield is often quoted as seeing in its disappearance ‘the end of an auld sang’.¹³ Subsequently the continued presence of a Stuart king ‘in waiting’ over the water ensured that regrets such as Seafield’s lingered on. The union, even after forty years of existence, was still deeply unpopular in Scotland and the prejudice was not confined to Jacobites. With Jacobitism dead after the Prince’s defeat at Culloden, opposition to the Union declined. In ‘The House of Stewart and its Realm’¹⁴ Jenny Wormald provides a valuable analysis of the Stewart kingship and where it stood in the Scottish polity. In doing so she questions some of the assumptions previously rooted in tradition. It has often been held up as a weakness in the state that so many of the Stewart/Stuart monarchs inherited the throne as children. In her view there was a virtue in the long minorities which resulted, in that they made it more difficult for Scotland to embrace a form of autocratic government which was expanding all over sixteenth-century Europe. She sees Scottish kingship as a resilient institution whose successive kings nearly all proved both tough and able. Almost all married foreign princesses and this ensured that Scottish kings operated from an international stage and were consequently familiar with

¹² Clerk of Penicuik, Sir John, *History of the Union of Scotland and England*, ed. D. Denison, SHS, VI (1993), p. 64.

¹³ Ferguson, W. (ed.), *Scotland 1689 to the present*, (Edinburgh, 1968), p. 53.

¹⁴ Wormald, J., ‘The House of Stewart and its Realm’, in Wormald, J. (ed.), *Scotland Revisited*, (London, 1991).

both the conventions and changes common to royal courts. Their international outlook is underlined by the fact that Scotland like many other European countries, but not England, had adopted the Gregorian calendar.

The succession to the throne of Scotland was also undisputed and the size of the nobility ensured that an autocratic executive was not sought by a society in which so many families could claim a royal descent.

In the course of her analysis Jenny Wormald makes an interesting comparison between Scotland and Burgundy. The latter country, like Scotland, was small, composed of a conglomerate of disparate peoples. Its dukes, like Scotland's kings, ruled over subjects divided both by race and language. As James Kirk has shown, the strength of the Scottish monarchy is demonstrated by the fact that although in the fifteenth century a number of fundamental changes, both constitutional and ecclesiastical, were achieved in defiance of the crown, the monarchy, with James VI as undisputed king, survived.¹⁵

In the following reign the continuing strength of the monarchy in Scotland is shown by the fact that however much the policies the King pursued in that country were resented, there was never any support there for a movement aimed at the abolition of the monarchy and the installation in its place, as happened in England, of a republic.

In taking a fresh look, as this thesis aims to do, at the Scotland Charles I inherited from his father, it is easy to be misled by the apparent ease with which James VI and I, even after he moved south, still kept control of a peaceful Scotland. He did so through the use he made of an experienced, well-

¹⁵ Kirk, J., *Reformation and Revolution, Kirk and Crown 1560-1690* (Edinburgh).

disciplined Privy Council, without himself making more than one visit to his homeland between 1603, when he first succeeded Queen Elizabeth, and 1625, when he died. Although at the beginning of his English reign he had promised more frequent journeys north, the frustration his failure to do so engendered in Scotland was more muted than might have been expected. The same was true after Charles succeeded him. Eight years passed before the new king went north to be crowned. Even after this event there was no pressing demand that he should spend more time in Scotland. Lord Napier in his 'True Relation'¹⁶ wrote that in the years before 1633, the Privy Council's enthusiasm for a royal visit was more apparent than real. A shortage of money was one important factor in its thinking. A royal court could only be an added burden on a needy Exchequer, and although in the course of his coronation visit the King created a number of new peers, no money went with the honours he awarded. Titles were freely bestowed both by James VI and his son and as a result the peerage doubled in size between 1603 and 1649. Where the two kings differed was in the financial awards they offered to the nobility. Church lands which came to the Crown through the Reformation, were used by James to ensure the goodwill of the governing class. His son had other priorities, among them an increase in the financial standing of bishops and the stipends of ministers. It is difficult to establish quite what wealth the nobility possessed and I have drawn attention to their own uncertainty in chapter 6 where Rothes dismisses Huntly contemptuously as 'not worth a salt citron'. The ruins which survive of Huntly's buildings tell a different story. Money was not their only asset, as

¹⁶ Napier, Lord, *Memoirs of Archibald. First Lord Napier* (Edinburgh, 1793).

Sir Thomas Aston observed in 1641 when he noted that ‘Their nobilitie and gentrie (having absolute power over the tenants) shall ever beare sway in the Church’.¹⁷ Clearly their sway extended beyond the Church.

Although the nobility received their king with such enthusiasm in 1633, it is interesting that it was not until 1641, as one of the clauses in the Treaty of London, that the Covenanting administration, to which many of the same noblemen belonged, made a request that the King and one of his sons should live part of every year in Scotland. In comparing what appears to be a new attitude with what went before it is worth remembering that the king his Scottish subjects met, many for the first time, in 1633, was to them a foreigner in a way his father never had been and England historically, an enemy country. At the same time, as the King’s reign advanced, attitudes were changing. In Chapter 6, I set out to show how successful the King’s visit to Scotland appeared both to Charles and his entourage and the doubts to which it also gave rise.

One fact I have stressed in my analysis of Charles I’s Scottish inheritance is that it posed serious problems. Opposition to the Lords of the Articles which I have mentioned earlier, was already evident in the previous reign. So was the use made of proxy votes. The last time parliament met before Charles’s accession was in 1621, and in the interim, opposition to Crown policies, with the Earl of Rothes leading the younger critics, inevitably increased. It also should be said that the Scottish advisers Charles inherited from the previous reign were to a young king either old men set in what were both their own ways and his father’s, or courtiers, few of whom possessed the full backing of

¹⁷ Morrill, J., *The Revolt of the Provinces* (London, 1976), p. 49.

a home-based body, like the Scottish Privy Council. Where James acted wisely was in both preserving and cultivating the loyalty of those on whom the peaceful government of Scotland depended. In doing so he emphasised his delight to be served 'by men of the noblest blood that may be had . . . [for] Ye shall oft find virtue follow noble races as I have said before in speaking of the nobility'. Sentiments of this kind emphasised the fact that James had presided for many years over a Scottish court and was always aware of the social vacuum his move south had created. He was succeeded by a son who, in spite of a sentimental attachment to what he regarded as the land of his ancestors, had been brought up as an English prince. In that capacity he was accustomed to the workings of a court in which a divergence of opinion was both tolerated and understood. The point is made in a recent study which draws attention to the fact that courtiers like the Earl of Bedford's sons, whose father would subsequently fight on the parliamentary side in the civil war, did not find the avenue of royal favour was closed to them nor to others whose political views differed from the King's.¹⁸ At this stage there was still room for them within the system. The same could not be said of Scotland where a court possessing its own structure and discipline no longer existed. In its absence ambitious peers, like the Earl of Rothes and his friends, forfeited the King's goodwill, as he toured Lowland Scotland, by claiming too much of his attention.¹⁹

In one area of his government of Scotland, however, Charles followed in

¹⁸ Russell, C., *The Fall of the British Monarchies 1637-1642* (Oxford, 1991).

¹⁹ Clarendon, Edward, Earl of, *The History of the Rebellion*, ed. W. D. Macray, vol. I (Oxford, 1888), p. 109.

his father's footsteps, and Charles II, in due course, did the same. Scottish affairs they did not regard as part of an English Privy Council's business. The Earl of Strafford, as I have noted in Chapter 8, commented on what he saw as the problems arising from such a policy. Strafford's concern is understandable. It was James's intent, as it was his son's, to facilitate the emigration of Lowland Scotland to Ulster. Their aim, in doing so, was both to promote the spread of Protestantism, and curb the activities of Irish-based Macdonalds who preserved close links with their fellow-clansmen in the West Highlands. Inevitably, the implementation of such a policy involved the King's Irish administration. In 1634 Strafford (then Viscount Wentworth) answered the Earl of Mar's request for a grant of 20,000 acres by warning him that the King would not agree to more than 1500.²⁰ A system in which grants of land and consequently the payment of money, involved two separate administrations in Scotland and Ulster, and requiring the assent of a sovereign based in London, can only have posed problems.

It deserves mention that Charles was expected to visit Scotland for his coronation as early as 1628 and an itinerary was drawn up. When, five years later, he did make the journey, his stay in Scotland was very brief. It may have been cut short by the loss of all his silver and the furnishings required for princely entertainment when the boat carrying them across the Firth of Forth was lost in a storm. It also appears, as Kevin Sharpe points out,²¹ that the happiness of the King's marriage made him unwilling to stay in Scotland as long as was first planned. According to one contemporary account, this was

²⁰ HMC, *Mar & Kellie* (1904), p. 193.

²¹ Sharpe, K., *The Personal Rule of Charles I*, p. 171.

expected to be a year.²² On leaving for Scotland he had parted from Henrietta Maria 'with much heaviness'. One sometimes neglected aspect of the King's visit is the permission given to Edinburgh and even a lesser city like Perth to stage theatrical displays which he did not encourage in London.

In the course of his Scottish travels the King would have seen signs that in its architecture the country was not devoid of the civilised tastes he so much encouraged in England. Seaton Palace was one of the houses in which he stayed where ornament came a long way before defence. At Stirling Castle the audience chamber testified to the Renaissance tastes of his ancestor James V and had he travelled as far north as Huntly, in Aberdeenshire, he would have seen above the door of the castle, the carved coats of arms, not only of its creator, the Marquis of Huntly, but those of the King and the Pope below symbols of the Passion. Once in Edinburgh the King took an active part in the parliamentary business which was part of his coronation visit and in a description by an anonymous contemporary, of exchanges between the King and his advisers while Parliament was sitting, the King is shown in a more accommodating mood than tradition records. This account has not, so far as I am aware, attracted previous notice (*The Proceedings of the Parliament held in Edinburgh* 1633 247.N.34).

One fact which emerges from a study of Charles's policies in Scotland is that from the very beginning of his reign he was determined that two plans initiated by his father should be implemented without delay. His determination to do so and the hostility they both aroused were so damaging that Jenny Wormald is not alone in condemning what she looks upon as his 'staggering

²² A.B. Hinds (ed.), *CSP Ven.*, 1632-36, (London, 1913-1923), p. 53.

ineptitude'.²³ Whilst it is tempting to condemn out of hand the ignorance which induced an inexperienced king to make two major changes in the structure of Scottish society, and ones, moreover, from which his popularity never recovered, I would suggest that this is only one side of the picture. It must also be said, and in Chapter 3 I have attempted to say it, that the two reforms, contentious though they undoubtedly proved to be, were in themselves both desirable and necessary. The first of them, namely the Revocation, brought about the reform of a land system with medieval roots on which had been grafted changes occasioned by the Reformation. It was both unwieldy and open to abuse but any attempt at modernisation was inevitably seen by the Privy Council as a dangerous attack on its members' own legal right to the possession of land on which their wealth was largely based.

That there was popular support for the Revocation is less evident than the fears and antagonism it aroused in the very people who, as members of the Privy Council, were burdened with the task of carrying it out. Nevertheless, that such support existed is shown by the favourable publicity accorded to it by William Drummond in the theatrical display which formed an important part of Edinburgh's welcome to the King in 1633. It was one of the features highlighted in his *Entertainment* to which I have drawn attention in Chapter 5. In questioning why Charles, with only a limited knowledge of the problems involved, should have embarked on such far-reaching changes as those embodied in the Revocation, I have argued that his predecessors' attempts to solve the same problems and their failure to do so played an important part in

²³ Wormald, J., *Court Kirk and Community. Scotland 1470-1625* (London, 1981) p. 193.

his thinking. With this in mind I have felt it important to show in Chapter 3 reasons why Charles should have held the views which led him not only to claim back for the Crown land alienated during his own very brief minority, but to exercise a right of which so many of his ancestors had availed themselves. In claiming such a right, to which only a long minority would have entitled him, he was treading on dangerous ground.

His thinking is more easily understood when it is remembered that his father came to the throne at the age of four. This ensured a very long minority. During the years which followed his accession increasing attempts were made by the young king himself and his advisers, at every Parliament, to secure the return to the Crown of land alienated during the previous years. Their success was only partial, and if, as seems likely, Charles knew of the problems his father's minority had faced, it would strengthen his determination to follow in his footsteps by modernising a land system which he saw as both antiquated and unjust. Where he failed was in making no apparent effort to assure those who saw themselves under threat, of his willingness to compromise before the details of his reform allayed, as they did, many of their earlier fears. As a result what has been described as 'a veritable policy of surrender and re-grant' was never seen by its potential beneficiaries as the doorway to compromise.²⁴

The King's second reform, that of the Court of Session, aimed at promoting able lawyers, drawn from the ranks of the gentry, to what was seen by all as a prestigious body. His object in doing so was to produce a balance lacking when peers already members of the Privy Council also dominated the

²⁴ Morrill, J., 'A British Patriarchy. Ecclesiastical imperialism under the early Stuarts', in Fletcher and Roberts, p. 224.

Session. Under this system the Earl of Melrose, who was Secretary of State and President of the Council, also presided over the Court of Session. Like the other Law Lords who sat on the Council he had no wish to cede his place to newcomers who had not previously enjoyed the right to such promotion. As for the lawyers themselves, they lacked the confidence, even with the King advancing their interests, to make enemies of those who saw themselves as their betters.

The unpopularity of Charles's reforms not only contributed substantially to his overthrow in Scotland, they also paved the way to a confrontation in England between Parliament and the King, which led to the Civil War. In assessing them however, the fact most often overlooked is that the reforms in themselves were not only beneficial but in the long term acknowledged to be a success. This is apparent when it is remembered that the legislation which brought them into being was never subsequently reversed. On the contrary, it was accepted even by the covenanting regime of 1638, which repudiated all Charles's religious policies.

It is one of the aims of Chapter 5 to show on what an increasingly fragile base rested the authority of an absent king. The disgrace of no less than four prominent noblemen, two of them Privy Councillors, within a few years of each other, provoked fears among their fellows that the high regard in which James VI never failed to remind his Scottish peers he held them, was not shared by his son. Out of the four three, Napier, Ochiltree and Menteith, lacked both powerful patrons in Scotland and the support of the prominent families to which none of them belonged. The fourth peer to court trouble was Lord Balmerino, whose trial is discussed in Chapter 7. The Earl of Menteith's

misfortunes were not brought about by the King, who regretted the loss of a valued public servant, but by his own rash acquisition of a royal title which enabled him to claim the return of lands once a part of his newly-acquired earldom. They had since passed into the possession of other families whose rights were threatened by Menteith's claim. In his downfall, as in Napier's, the Bedchamber played a key part.

The scandal provoked by Ochiltree (chapter 4) involved so many levels of Scottish society that it repays study. It also opens the window on a world more Scots than English of clan loyalties, the links forged between the Scots Protestant mercenaries serving all over Europe and their alienation from the King's religious aims. Why Ochiltree, himself an experienced public figure, should have accepted Lord Reay's word that a plot existed, based on the talk of other Scots mercenaries, to depose the King and install the Marquis of Hamilton in his place, defies explanation. So wild and improbable a story did not encourage the King to put any trust in the Scottish aristocracy.

Chapter 7 deals with the trial of Lord Balmerino and there are two reasons for doing so. The first is that the trial itself, which went on for an unusually long time, attracted enormous publicity both among the peers, of whom the accused was one, and the populace of Edinburgh, where it took place. Its fame even spread further, to London. The second is that from the evidence we possess it can be argued that the trial itself was not the fortuitous even it is traditionally thought to be, but a well-thought-out device whereby the Supplication which the King had refused to discuss while in Scotland, would be brought to his notice in another way.

The Earl of Rothes, who had already earned the King's displeasure, was

not in a position to bring this about, but the evidence suggests that Lord Balmerino, a man with a less contentious political past, agreed to act as he did. A copy of the Supplication (of which several were in circulation) was lent by him to John Dunmure, a friend of his who was a Dundee notary, on the understanding (or so the defence claimed) that no one else should see it. Dunmure passed it on to Peter Hay of Naughton, a zealous supporter of Royal policies, and he to the Archbishop of St Andrews, who showed it to the King.

The Supplication being judged a treasonable document, Balmerino was put on trial for his life. In the course of an exceptionally lengthy trial the King's actions became increasingly unpopular. A verdict of guilty brought Edinburgh close to violence and the King's pardon of Balmerino, which followed, brought him no popularity. It is the object of this chapter to show the probability that in acting as he did, Dunmure was but following his patron's instructions. What the King gained from this event was only unpopularity and a growing resistance to his policies.

The Fire of Frendraught, which features in Chapter 5, demonstrates the bitterness of family feuds in Caroline Scotland. The Earl of Huntly's revenge on the family he blamed for his son's death reveals how ineffectual both the King and his council appeared in each other's eyes, thereby increasing the lack of mutual trust through failure to satisfy either Huntly or his victims.

In the last chapter, it is intended to show that the success of the King's coronation visit was more apparent than real and to underline in what areas opposition to his rule was growing. That it might be spreading is suggested in a letter from the Earl of Haddington pointing out that the acts of the 1633 Parliament being printed 'Englishmen can read them . . . If they hear and see

what was pretended, and promised . . . They may perchance think more than they will speak' (pp. 306-7). The King's proposals over the Abbacy of Lindores evoked fears that Privy Councillors, among others, might not be secure in their possession of church lands.

In tracing the growth of opposition to the King's policies, both religious and secular, in Scotland, I have also aimed to show that although it was their implementation which brought about the Scottish revolt of 1637, this should not obscure the fact that the difficulties Charles I faced in his governance of Scotland were not only considerable, but partly inherited.

In concluding this introduction to the main points I have aimed to cover in my thesis, I would wish to underline the fact that it is among other things a study of British monarchy in practice during its early years and therefore, it is hoped, a contribution to the ongoing debates on the problems of ruling multiple kingdoms. Both James and Charles to some extent encouraged the promotion of British, as distinct from English/Scottish policies. This aim, as Keith Brown, John Morrill and other modern historians have made clear, was not one either king shared with many of their subjects, however eminent, either north or south of the Border.

Chapter 1

THE LEGACY OF JAMES VI

In assessing the legacy which Charles I inherited from his father, it is tempting to contrast the peaceful years between 1603 and 1625 with the stormy epoch that followed. It is also easy to extol King James's achievements in curbing the nationalistic prejudices of his two kingdoms when centuries of warfare gave place in 1603 to a marriage of convenience between the two 'auld enemies'. This was brought about by the childlessness of Queen Elizabeth. It may seem sometimes that Charles I is blamed almost singly for the troubles of his reign. In the following pages it is hoped to raise questions which will expose the distortions of such a view and to see the young King's early reign in its proper perspective. The failure of King Charles's Scottish policies resulted from different causes. Some of these have hitherto attracted less attention than they deserve and among them the King's own shortcomings made up only one.

When King James died it was, many believed, as 'a contented King ruling over a contented people'. What some also saw were two countries whose attitudes still reflected the fears and feelings expressed some years earlier in the many pamphlets which greeted the Union. As one English writer then pointed out 'all changes are earthquakes in a state'. In spite of this it was his conclusion that 'Law and policy can fight and overcome inward inconvenience. The wisdom of the statist is above any of the discommodities.'¹ To some Scottish writers, on the other hand, the faults they saw in their own society posed as great a problem to the Union as any outside pressure. In a tract entitled *Of the Union of Britayne*, Robert Pont, the cartographer, drew attention

to the lawless state of the Borders and West Highlands, 'where the inhabitants . . . for the most part are enemies also to tillage and weare out their dayes in hunting and idleness, after the manner of beasts'.² Pont was writing soon after the Union but twenty years later his views would have been shared by most Lowland Scots. So would those of John Russell, the author of *A Treatise of the happie and blissed Unioun* who drew his readers' attention to the three groups he regarded as the most refractory in the kingdom. 'First, Papistis, falselie callit catholiques, qha contendis ather for subversioun of religioun or at the liest for peace (callit be thame) of conscience. The second sort ar bordoreris. Hieland men, deboschit idle men, seditious and unquyet sprittis . . . the thrid sort [ar] certane lordis and landit gentlemen of clannes, leaning over-mekle to thair auin force, far fra the feitt [feet] of justice, usurping upon all men, estieming thameselffis kinigis uithin thair auin boundis, bakkit uith great convocationes . . .'.³

Although neither Scotland's internal problems nor her touchy relationship with England were radically altered by King James's death, this event, which took place on the 27 March 1625, did mark a real break with the past. For fifty-eight of the fifty-nine years of his life he had reigned as King of Scots and for the last twenty-two of them he was King of England as well. If one compares his childhood with that of his successor, no greater contrast could be imagined. At the time of his mother's abdication, James was only one year old. Thereafter, as King, he was cast in the role of a pawn for whose possession the ambitious ceaselessly contended. He grew up in a country where the Kirk had not been established for long as the undisputed Church of Scotland. The determination to replace the graven imagery of Rome with the purity of the

Word excited a fervour which is reflected in the populist verse of *The Gude and Godlie Balattis*.

The Apostellis that wrait the veritie,
Expresly do conclude,
That Idoles suld detestit be,
As contrair to Christis blude.⁴

By the end of the reign, although the early religious rapture had faded, in its place reigned an exultant certainty that for all Scots who had seen the light, the Kingdom of God was near at hand. For many, no doubts existed about ‘the singularity of Scotland’s Reformation’ and Calvinism lent their beliefs an edge which was not apparent earlier when Lutheranism was still in the ascendant.⁵ Writing in 1631 from Anwoth, the parish in rural Galloway of which at that time he was minister, Samuel Rutherford drew for his correspondent Marion McNaught a picture of ‘our Jesus setting up Himself as His Father’s ensign (Isa. xi.10) as God’s fair white colours’. ‘It is long,’ he continued, ‘since He displayed a banner against Babylon in the sight of men and angels. Let us rejoice and triumph in our God. The victory is certain; for when Christ and Babel wrestle, then angels and saints may prepare themselves to sing “Babylon the great is fallen, is fallen”.’⁶ Moral certainty was backed by a belief that material prosperity was not incompatible with godliness. Although a capitalist economy was still in its infancy its growth was not impeded by clerical censure. There was no suggestion that a great merchant like William Dick or the celebrated goldsmith George Heriot, founder of Heriot’s Hospital, were more likely to be denied election and grace than their less prosperous contemporaries.⁷

Although Jacobean Scotland was a country in which more people than ever before cherished the hope that peace would lead to prosperity, none could claim to live in a peaceable society. Blood feuds were still vengefully pursued in most parts of the country. Nowhere was this more true than in the north-east, where disorder was rife. The Fire of Frendraught was still to come; a ballad of that name is one indication of the popular feeling aroused by this unexplained tragedy, which took place in 1630. When Spalding recorded the murder of Huntly's nephew Alexander Gordon of Dunkyntie and his eldest son by limmers (scoundrels) in 1633 he made it clear that in spite of the Marquis's pre-eminence in Aberdeenshire, no redress was obtained.⁸

Weapons continued to be carried everywhere and were much used, in spite of many attempts to limit a practice to which both the Jacobean and Caroline Privy Council records bear witness. In 1626, Justices of the Peace, who were one of the old King's English imports, were asked to report on the number of weapons to be found in the districts over which they presided.⁹ A few returned encouraging answers, but Sir Robert Gordon of Lochinvar's reply, which reached the Privy Council in August 1626, was brutally frank. To carry firearms, he wrote, 'is so simple and ordinary' that it would be easier to give the names of those who did not do so than those who did.¹⁰ Yet in spite of the lawlessness so apparent to Lochinvar at the beginning of Charles I's reign, the advances in peaceful living effected under James VI were substantial. Sir Patrick Hume of Polwarth, writing in 1625, reported with astonishment that 'there is not a craftsman to make a steel bonnet in all the land, like as when there was no smith in Israel'.¹¹

In the so-called Debateable Lands between England and Scotland which

were part of what King James insisted were the 'middle shires' of his newly united kingdom, strenuous efforts had been made to curb the excesses of a society which numbered Kinmont Willie and Jock o' the Side among its folk heroes.¹² Although change came slowly, its success was assured after 1603 by the Union. In 1621 the King dispensed with the twenty-five strong troop of armed horse guards which had hitherto maintained order on the Scottish side of the Border.¹³ Although his chief motive for doing so may have been financial (the cost was £2,000/£3,000 Sc. a year), the order was never rescinded.¹⁴ In the Highlands, where over half the King's subjects resided, lived chiefs who within their own clan territories felt entitled to ignore the King's authority.¹⁵ This happened most frequently when, in what they saw as local matters, his wishes did not coincide with their own. For their culture King James had no sympathy. In the 'Statutes of Icolmkill' (Iona), an important pact drawn up in 1609 between some the West Highland chiefs and their King, it was insisted upon that bards, along with vagabonds and beggars, should be suppressed. The hope James VI entertained of establishing plantations in the Western Isles, as he had done in Northern Ireland, to be peopled by Lowland colonisers, stemmed from his contempt for what he saw as 'the utterly barbarous inhabitants'.¹⁶ It was only incomers, he believed, who would make any use of what he saw as neglected resources.¹⁷ The confusion and strife which he considered endemic in the Highlands were all the more apparent to him when contrasted with Lowland Scotland where, as his reign advanced, an increasingly prosperous and peaceful society was taking shape.

Although James VI was never slow to laud the improvements which his

management over the years had achieved, he never forgot the harsh school in which he had learned the art of political survival. Of other, more personal benefits, he had been deprived. He suffered from an upbringing in which family life played virtually no part. Under the strict tutelage of George Buchanan, one of Europe's most eminent scholars, he acquired a first-class education, but affection was something that neither a tutor nor the guardians who stood in his parents' place could easily provide. His need for it is reflected in the loyalty and support he always gave to those who had remained faithful to his mother. This is particularly striking when it is remembered that his policies in no way reflected hers. It could also be argued that the emotional relationships King James sought to establish with his favourites demonstrate a need he seems always to have felt.

Although most of King James's minions were men whom his son barely or never knew, some of them deserve to be mentioned here because of the influence they exerted on the events of his reign. To that extent they were part of the legacy King James bequeathed to his heir. To this category belongs Alexander, the Master of Ruthven. In 1600 he provoked the drama known as the Gowrie Conspiracy. What deserves to be remembered about this confused episode is not so much the fate of the Master and his brother, the Earl of Gowrie, as the benefit members of other equally ambitious families derived from the ruin of the Ruthvens.¹⁸ One of these was Sir George Hay of Kinfauns, whose lands, like those of the Gowries, lay in Perthshire. In 1598 he was obliged to resign the grant made to him of the ex-Carthusian Priory in Perth, which carried a seat as one of the Lords of Parliament, because his rents were insufficient to support a peerage. Two years later, however, having

acquired the Gowrie lands at Nethercliff, he looked a more likely candidate for the political honours which later came his way.¹⁹

After his move to England in 1603 the King acquired another Scottish favourite in the person of Robert Kerr (his name was anglicised as Carr and he was created Earl of Somerset in 1613).²⁰ Although he also became Lord Treasurer of Scotland in the same year, and succeeded his father-in-law, the Earl of Suffolk, as Lord Chamberlain in 1614, the extent of his political ambition is hard to assess.²¹ It was said of him that 'he was more addicted to the English than to the Scots'.²² From 1614 on, Somerset was paid a Spanish pension of £1,500 stg. to promote the Spanish match.²³

Somerset's fall from power in 1616 inflicted a severe blow on the Anglo-Spanish alliance, but it affected Anglo-Scottish relations as well. Through the ramifications of his family, Kerr was related to some of those who played a prominent part in contemporary Scottish public life. His sister Anne was married to Lord Balmerino and one of his step-sisters to the Earl of Melrose, later Earl of Haddington. Through his father Sir Thomas Kerr of Ferniehurst, he was kin to other Kerrs whose titles included Ancram and Lothian. Although Somerset never sought to play a decisive part in Scottish politics, and was not even interested in acquiring property in his native land, he was looked upon as a kinsman or an ally, and sometimes as both, by fellow Scots whose business brought them to court. For this reasons they sided with Somerset when the Overbury scandal brought about his ruin.²⁴

Lord Napier, in his 'True Relation', records the dismay it caused among the Scottish courtiers when Somerset, whom they all knew, was replaced as the

favourite by a squire's son from Leicestershire who had no ties with any of them. 'His Majesty', Napier recalled, 'was pleased to cast the Earl of Somerset out of his favour and take in his place George Villiers, afterwards Duke of Buckingham, a powerful favourite and no good friend of mine, because I, with some of our countrymen, endeavoured to support Somerset, which, in his construction, was an opposing of his rising'.²⁵ Among the King's favourites, Buckingham was unique in two respects. In the first place he was English. In the second, he enjoyed the trust not only of King James, but of his heir. When Buckingham first rose to prominence he displayed very little interest in Scotland. For the reason Napier gives, he had no cause to cultivate the goodwill of the Scottish courtiers. Nevertheless, he accompanied the King on his visit to Scotland in 1617 and five years later encouraged the Earl of Mar to acquaint him 'with such things tending to the weel of His Majesty's service as should fall out in this estate'.²⁶ What induced him to make such a request is not immediately apparent, as it was never James's intention that Buckingham should play a commanding role in Scottish politics. In that field the King relied more on his own knowledge and experience than on the judgement of his servants. This remained true even in cases where those servants were not only his fellow-countrymen (which of course Buckingham was not) but enjoyed his confidence. Within these limitations, however, James paid considerable heed to the opinions voiced by Scots whom he trusted, both in Edinburgh and at court.

Among the latter, two were in a different category to all the others, as they were equally to his son; namely the Duke of Lennox and the Marquis of Hamilton. After the King's own children they were next in line to the Scottish

Crown. This lent them a status in the eyes of their fellow countrymen and the King which was less apparent to the English than to the Scots. Of the two men, Lennox was both the more anglicised and the less ambitious. Hamilton, on the other hand, was drawn to Scotland, not only by his great possessions there, which far exceeded Lennox's, and a wife who maintained a presence at Hamilton Palace during his frequent absences in the South, but by his political involvement. He came to the Royal notice in 1617, when the King visited Scotland, and thereafter his sovereign made increasing use of him.²⁷ It has been suggested that the Royal aim was to have two joint favourites, one Scottish and one English. Buckingham was the English choice, and Hamilton took Somerset's place as the Scottish favourite.²⁸ Before that, in 1621, he was chosen as the Commissioner to preside over the Parliament at which the Five Articles of Perth became law and throughout his career he influenced the King's selection of Scottish administrators.²⁹

When James VI died, his son inherited a Privy Council, some of whose most prominent members had owed their preferment, in part, to Hamilton. For this reason it is interesting to see who they were. Of the three men in question, Sir George Hay of Kinfauns was the most notable. It was the Gowrie Conspiracy, mentioned earlier, which first set him on the road to political advancement. This, however, was only the first step in what proved a successful public career. In 1616 he was made Clerk Register, and in this role he helped to secure the ratification of the Five Articles of Perth at the Parliament held in 1621.³⁰ The support he gave to Hamilton, who was the King's Commissioner on that occasion, in part explains his subsequent promotion, but even without Hamilton's patronage he was a strong candidate

for the post of Chancellor. This office fell vacant when the Earl of Dunfermline died in 1622. The King took no immediate steps to replace him. When, however, the moment came to do so, it was Hamilton who played a part in securing his appointment.³¹

As a result of his elevation a new Clerk Register had to be found. Through Hamilton's influence the honour was conferred on Mr John Hamilton. The appointment was a shrewd one, for not only was Mr John the Marquis of Hamilton's 'servant and agent', he was also a brother of the Earl of Melrose.³² By securing such a post for a member of his clan, the Marquis also strengthened his position as a chief to be courted by all Hamiltons looking for advancement.³³ When James VI wished to appoint Sir Archibald Napier as Treasurer Depute in 1622, Hamilton again stepped in. He first made it his business to discover whom the King favoured and then enthusiastically endorsed his choice. This put Napier in his debt, but it also earned for the new Deputy the ill will of the Earl of Mar, who, as Treasurer, had hoped after the death of the previous Deputy Sir Gideon Murray of Elibank in 1621 that no successor would be appointed in his place.³⁴ Until King James died, Mar's resentment was not apparent, but after Charles's accession it became a factor in the disagreements which brought increasing disunity to the King's Council.

Although Hamilton played no part in promoting Buckingham's cause, he knew too much about both the King and his court to underestimate the new favourite's importance. In 1622 a marriage was accordingly arranged between Hamilton's heir and Mary Fielding, who was one of Buckingham's nieces; her father was created Earl of Denbigh in 1620.³⁵ The bride and groom were very young even by seventeenth-century standards (nine and fifteen respectively)

but the match in Hamilton's eyes appeared so desirable that he pushed it through even in the face of the bridegroom's opposition.³⁶ Buckingham's ambitions for his nieces attracted some cynical attention among his contemporaries which is reflected in a piece of doggerel current at the time.

Hast thou no niece to wed, is there no inn

Nor bawdy house t'afford thee any kin

To cuckold lords withall?³⁷

Hamilton's example was followed by other Scots at court and this led to the emergence of a new group whose hopes of Buckingham's patronage were not blighted by any previous connection with Somerset.

One member of this group was the Earl of Nithsdale who, like Hamilton, was not slow to see the advantages to be gained from marrying into the favourite's family. He was duly provided with a wife from among Buckingham's cousins: Elizabeth, daughter of Sir Francis Beaumont, a maternal uncle of Buckingham, was married to the Earl at St Mary Le Strand in October 1619, and thus anticipated the Hamilton marriage by three years.³⁸ The marriage produced a son who was only two years old when plans were made for him to marry the infant daughter of John Murray, an influential gentleman-in-waiting who had come south with the King in 1603.³⁹ In a letter addressed to the Earl of Mar in Scotland, his cousin the Earl of Kellie, writing from court, commented on the purpose of these marriages and the age of those taking part: 'all these folk are become in one tribe', adding 'what shall become of these young marriages, God knows'.⁴⁰ Kellie's letter reveals not only the extent of Buckingham's patronage; it also gives some indication of the Scottish advisers at court who were likely to stand closest to the young King when he

should ascend the throne.

Hamilton was not among them, as he died very suddenly a few weeks before King James, but his son's future was assured not only by the new King's affection for someone he always treated as a cousin, but by the Buckingham marriage.⁴¹ His father's premature death (he was thirty-seven) deprived Charles I of a valuable adviser on Scottish matters.

Nithsdale's good fortune is less easily explained than Hamilton's. He was, as his subsequent career confirmed, a man of no great talent and was regarded with suspicion by his Protestant fellow-countrymen on account of his suspected Popish leanings.⁴² His wife, a known Catholic, was excommunicated in 1628.⁴³ His elder brother had been executed in Edinburgh in 1613 for committing what was technically termed a murder under trust.⁴⁴ The Maxwell family, to which Nithsdale belonged, was more apt to produce Border reivers than public servants and Nithsdale's own debts added nothing to his respectability.⁴⁵ Yet in spite of these limitations, and the religious suspicions he aroused, King James never wavered in his support. He was made a member of the Privy Council in 1613.⁴⁶ He was also a member of the Commission of Grievances set up in 1623.⁴⁷ In 1622 Kellie reported to Mar that the King proposed to make Nithsdale a grant of £10,000 stg.⁴⁸ Of the money he had need. In 1624 the King wrote a letter in his defence to the Privy Council at a time when the Earl's creditors proved unusually pressing.⁴⁹ It is probably through fear of the same creditors that Nithsdale's attendance at Council meetings after 1623 became increasingly erratic.⁵⁰ In promoting a man with Nithsdale's questionable antecedents and doubtful reputation, and advancing him to positions others were better qualified to fill, King James showed a lack

of judgement.

The Earl's good fortune also inspires a question to which there is no obvious answer. How or why did he attract the King's favour? It was perhaps because he did so that Buckingham, who knew what pleased his master, also sought to advance Nithsdale's cause. When the marriage of Prince Charles to Henrietta Maria was under discussion it became necessary for the King to send an emissary to the Vatican. In singling out Nithsdale, Buckingham was playing both the King's game and his own. In backing the royal judgement he also found an opportunity to ensure that the King's favour remained with his own family. Even the Earl's religious inclinations were put to good account.⁵¹ By the time the young King succeeded his father, both Charles and Nithsdale shared a mistaken belief that the latter possessed the tact and experience needed to explain royal policies formulated in Whitehall to the Privy Council in Edinburgh. The problems he faced in doing so, it must be said, were not all of his own making. A long standing Border feud in which the Maxwell and Johnstone clans were still active participants and which had brought about Nithsdale's elder brother's execution, did not inspire the Council with any trust in his impartiality.⁵² It was perhaps unfortunate that both the kings he served chose to involve Nithsdale in the Scottish administration, because it was on home ground that he was most vulnerable.⁵³ In the letters he exchanged with Cardinal Richelieu and Marshal Tillyères between 1628 and 1632, which aimed at promoting a closer understanding between Great Britain and France, a more serious character was revealed. It may be that the diplomatic skills he possessed, which gained him no popularity in Scotland, were what lent him consequence at court.⁵⁴

John Murray was another of the Scottish courtiers who owed his position to James VI. A successful career at court brought him wealth and influence, both of which increased after 1603, when he went with the King to England. By remaining thereafter in close touch with the Chancellor and other members of the Privy Council who remained in Edinburgh, he earned the trust both of his countrymen and the King. After the death of the Earl of Dunbar in 1611, Murray succeeded him in the management of Scots affairs at court, and in 1622 his services were rewarded with the Viscounty of Annan.⁵⁵ Two years later he was created Earl of Annandale.⁵⁶ Annandale acquired extensive estates in Scotland, England and Co. Donegal in Ireland. In Dumfriesshire, where his family belonged, he owned the tithes of the thirty-two parishes of Annandale⁵⁷ and his wealth increased when an elder brother died, leaving him the family property.⁵⁸ Buckingham and Hamilton, Nithsdale and Annandale had interests in common. They were courtiers and all four had a part to play in shaping the Scottish administration that Prince Charles would, in due course, inherit from his father. Although the ties of proximity and/or marriage which bound these four together was a strength they did not share with others, they did, nevertheless, have one factor in common with the King's advisers in Scotland. None of them owed their advancement to the favour of their future King.

The older Councillors, headed by Mar and Melrose (to which group Annandale also belonged), were all King James's nominees. So were Buckingham and Nithsdale. Without laying too much stress on this point, it is one that perhaps ought not to be forgotten. In the conduct of Scottish affairs, Prince Charles took no active interest. This remained true till a short time

before his father died, but it does not imply any inactivity on his part in other fields. The opposite was in fact the case. With Buckingham rather than the King as his mentor he became increasingly involved in English politics. He also had a personal commitment, through his sister's marriage, as well as his own religious beliefs, to the Palatinate cause. In addition to these concerns there existed for him the pressing need to marry an acceptable foreign bride. At this stage in his life Scotland was not among his main preoccupations.

He may also have felt no need to interfere in what was so clearly his father's domain, when there appeared no reason to do so. The result was a compromise. In the summer of 1619 the Council sitting in Edinburgh received a letter from the Prince naming the ten persons chosen, certainly on his father's advice, to be members of his own newly created Scottish Council. Of these, seven were already experienced members of the Privy Council and only three were newcomers. The first group consisted of the Chancellor, Dunfermline (he became Lord Chancellor in 1604 and was created Earl of Dunfermline in the same year), the Earl of Melrose, the Earl of Mar, Lord High Treasurer, and his deputy, Sir Gideon Murray of Elibank.⁵⁹ Then came the Clerk Register, Sir George Hay, the Lord Advocate, Sir William Oliphant and the Earl of Roxburgh, whose first wife had been in attendance on the Prince seventeen years before.⁶⁰ The three remaining members of the new Council were the only ones who had any close personal connection with the Prince. They were also the least important members of the group. One was his secretary, Thomas Murray, and the other two, Sir James Fullerton and Sir Robert Kerr, were Gentlemen of the Bedchamber.⁶¹

On 7 December 1619, the Privy Council heard again from the Prince, when

it was informed of his choice of Sir Richard Cockburn of Clerkington to be Keeper of the Prince's Seal (he was already keeper of the King's Privy Seal) and of two further appointments. Sir John Scot of Scotstarvet, already director of the King's Chancery, was made director of the Prince's Chancery, and Mr James Scot became clerk to the newly formed Council.⁶² From the list of those appointed it will be seen that what was called the Prince's Council represented in effect the King's choice. This is particularly true of Scotstarvet, an intelligent and cultivated, albeit malicious character, whose activities in the next reign first attracted notice when King Charles relied on his evidence in questioning the appointment of senators to the Court of Session. Why he was first encouraged to seek promotion at court is not clear, nor the role King James intended him to play there, but his erudition and the links he maintained with foreign scholars would appeal to that king.⁶³ As the newly appointed director of the Prince's Chancery, it was made apparent to all those who looked to the future that the favours conferred on Sir John by King James would continue when his son succeeded.

The new Council represented no more than an empty delegation of power and transferred no real authority to Prince Charles. Even so, he seems to have found the arrangement acceptable. It is not difficult to see why. The Council's purpose was only to improve the revenues of the principality. Such a humdrum goal may not have appealed very strongly to a young man of nineteen.

In the following spring King James confirmed the Prince's new status when he wrote to his Scottish Council informing it that as his son was now 'of age and settled judgement to govern his own affairs' it was his intention to confer on him 'the power of full administration, government and handling of his

affairs and living of the principality and of the whole rents and casualties, offices, privileges and jurisdictions belonging there unto'.⁶⁴ As a result of these changes Charles found that for the first time he had a role to play as a Scottish prince. The King continued to have the last word on all decisions affecting Scotland, and as a result the role was a passive one, but it did at least ensure that for the five or six years previous to Charles's accession, the young man was kept informed of matters concerning his Principality.

Whether the King's endeavours proved successful, however, is open to doubt. By upbringing, though not by descent, Charles was an English prince to whom Scotland would always be a foreign country. Although the knowledge, and more importantly, the understanding which he lacked might have come to him through his father, the relationship existing between King James and his heir ruled out such a simple solution. Temperamentally, as well as in character, no two men could have been more dissimilar. Even had this not been so, the shrewd old Scottish King would still have faced a hard task in transmitting to his conscientious but unimaginative heir the political lessons he had learned in a school so much rougher than anything the Prince had known. All kinds of experiences that Charles had never encountered the King shared with his Scottish Council. This proved equally true of the Prince's Council. Mar, the Lord High Treasurer, who was on both, had grown up with King James. So had Melrose, on whom many years before, the King had bestowed the affectionate sobriquet of 'Tam o' the Cowgait'. With men like these it was not only their past that the King shared but an appreciation of what to them was the political present. This included a knowledge of the kinsfolk on whose dependence, if not support, they could rely.

In this field, England offers no exact parallel. Society as it existed in seventeenth-century Scotland was both more hierarchical and more intimate than its English counterpart. This fact is one no sovereign so well informed and astute as James VI was likely to ignore. Scottish noble families were more closely knit than English ones and because it was a small society of which they formed part there was more intermarriage among such families in the north than in the south. One example of the political importance attaching to kinship emerged in the course of Lord Ochiltree's trial, which took place in 1631. This case, to which we shall return in a later chapter, attracted great public interest, involving as it did a nobleman who was also a public figure. Having accused the second Marquis of Hamilton of a plot to overthrow the royal administration, Ochiltree cited as evidence the many families whose bond with Hamilton, 'by new blood, affinity and dependence' might induce them to favour his design.⁶⁵ Among those Ochiltree named was Lord Erskine, 'now Keeper of His Majesty's two principal castles of Stirling and Edinburgh and so commander of all almost of His Majesty's ordinance in Scotland'.⁶⁶ Dr Rosalind Marshall in her thesis on the House of Hamilton has also shown what care was taken by that family to promote marriages from which the House of Hamilton would benefit.⁶⁷

The close relationship existing between a Scottish chief and his cadets is illustrated in two letters addressed respectively to James Graham of Monorgan and other Graham cadets by the first Marquis of Montrose when in exile. The first, to Monorgan, dated 24 January 1648, asks him to take charge of his children, while the second, written at Orleans in October 1647, urges the Graham cadets to recover the money Montrose owed them, out of his forfeited

estates. In both cases the letters are signed 'your loving chief, Montrose'.⁶⁸ No one knew better than James VI the political use to which such 'blood, affinity and dependence' could be put, but the Scottish background so familiar to the old King was alien to a son who at the time of his accession knew less about Edinburgh than he did about Madrid. Further to that he was not on terms of intimacy, though he knew them all, with any of the leading members of his father's Scottish Council.

The Prince's Council was not the only innovation in the machinery of government which marked the last few years of King James's Scottish reign. In 1621 he decided to form a cabinet within his Privy Council charged with the task of dealing with his 'most weighty affairs'. It consisted of eleven members, was headed by the Lord Chancellor and included the two archbishops (St Andrews is not named, but must have belonged).⁶⁹ Nithsdale was the only courtier included (Lord Gordon was appointed to the Council in 1622).⁷⁰ This change took place in November but according to Calderwood a body he describes as the cabinet council met between six and nine in the morning during the time when the Parliament of 1621 was sitting. At the same time, Melrose reported a meeting which took place on 2 August at five a.m., before Parliamentary business started. The timing of this meeting is interesting. Although the fullest use was made of daylight hours in the seventeenth century such an unusually early start suggests that those taking part wanted their deliberations to remain private. Only six people took part in them; the King's Commissioner, the Archbishop of St Andrews, Lord Carnegie, Sir George Hay, Melrose himself, and the Dean of Winchester.⁷¹ Both accounts suggest that several months before the cabinet was made official, a small group of trusted

Councillors was already fulfilling some of its functions. The presence of the Dean of Winchester, a cleric of the established English church, albeit a Scot, at such a contentious moment in the Kirk's history can have done nothing to allay Scottish fears of what the King intended. The scope of the cabinet's functions between Parliaments is not clear but its very existence is an indication of the energy King James continued to devote to Scottish problems. It was always his ambition to see the growing prosperity of England matched by an expanding Scottish economy. This would facilitate a trading partnership conducted on more equal terms between the two nations, which might prove of benefit to both but more evidently to Scotland.

His aims are reflected in the Privy Council's willingness to grant monopolies and patents to those it favoured among the new entrepreneurs. One of these was Nathaniel Udward who, in 1622, was granted a twenty-one year patent for the making of soap.⁷² The concession aroused jealousy, particularly in some of the burghs. He lost his privilege in 1624 but Udward's critics were small in number when compared with those who objected to Lord Erskine's monopoly in tanning.⁷³ As so often happened, the incentive to improve the leather trade came in the first instance from the King. Under his influence, in 1620 Lord Erskine, who was the Treasurer's eldest son, and himself a Privy Councillor, agreed to put £20,000 Sc. of his own money into the leather industry. (Between 1619 and 1625 Erskine received about £20,000 Sc. in the form of royal payments.)⁷⁴ In return, he obtained a thirty-one year patent, for twenty-one of which he had the right to levy four shillings on every hide sold. At the same time, the Council decided that the poor quality of Scottish hides made it imperative to import twelve English tanners to teach their Scottish

counterparts more modern methods.⁷⁵ The reforms were resisted and the foreign tanners abused, even by the cordiners who had everything to gain from their skills.⁷⁶ A dislike of change, which was so strong among the tanners, came to the fore again in 1630 when the King, now Charles I, proposed the launch of a Fishing Association. When the Parliament held in that year is discussed in a later chapter it will be seen how widespread was opposition to the King's proposals on fishing. The textile and the fishing industries were both notable for their conservatism.⁷⁷

English influence was not confined to the tanning trade. In the glass-making industry established at Wemyss, to which Sir George Hay held the patent (it was granted to him in 1610), the braid (sheet) glass produced was found to be of better quality than that used in the manufacture of drinking glasses.⁷⁸ As a result a committee set up by the Privy Council to discuss the matter decided that some samples should be obtained in London as patterns for Scottish glass.⁷⁹

An interest in home resources was growing all the time as King James's reign approached its end. In this field 1622 proved an unusually active year. In March the Earl of Kellie obtained a thirty-one year lease on all aluminium mines. For this he had to obtain the Earl of Melrose's consent, as the latter was master of all the metals and minerals in the kingdom.⁸⁰ The hunt for pearls, which the King promoted, and Samuel Johnston's invention of an engine for 'drying of colpottis [coal pits] and drawing up of great weychtis' are further proof of an enthusiasm for new enterprises which the King was the first to encourage.⁸¹ The Privy Council also recorded a secret meeting held at the house of Lady Fawsyde in 1620. All present, including two Privy

Councillors, were colliery owners and their object was to effect a rise in coal prices and in the amount of coal exported. A deal was struck, but it was judged illegal and fines were levied. The case illustrates the difficulty of enforcing trading standards in a small country, especially when the Councillors charged to do so were themselves competing for business.⁸²

Of all the trading ventures to engage the Privy Council's attention, none was of greater moment than the wool trade. In 1622, on the King's instructions, commissioners were appointed to go to London and discuss the export of wool 'not draped and wrought' (woven and worked) to England.⁸³ The Council referred the matter to the Corporation of Edinburgh, only to be told that in what amounted to a national issue, the town felt unable to offer its advice. The importance of wool to the Scottish economy is shown by the fact that the Council then formed a committee made up of twelve representatives of the burghs and twenty-two nobles and lairds from the sheep-breeding shires. This number being deemed insufficient, it was subsequently enlarged.⁸⁴ Two of its members then went south to meet their English counterparts. The negotiations between the two countries which followed proved abortive but this did not deflect the King in his insistence that the 'manufacture of commoditys', in particular of wool, should be more actively pursued. A standing Commission on Manufactures was his solution. Unlike most previous commissions, it was not intended to be another off-shoot of the Privy Council, but a national committee whose sixty-nine members were drawn from the three Estates.⁸⁵

Shortly before its inception in June 1623, the King set up a Commission for Grievances on which thirteen members of the Privy Council were appointed

to sit.⁸⁶ As soon as it was in being the Commission had plenty of work. At its first meeting the burghs and the tanners submitted, in the form of two *Memorials*, a comprehensive list of their complaints. Industrial patents and commercial monopolies featured on both, with Lord Erskine and Nathaniel Udward's enterprises singled out for criticism.⁸⁷

The *Memorials*, along with other petitions addressed to the Commission, present a revealing picture of the conditions prevailing in Scotland towards the end of King James's reign. The export of money was a cause for worry.⁸⁸ The importation of foreign food is a reminder that 1622 and 1623 had been years of famine.⁸⁹ The Commission for Grievances met quite frequently. Its task was an exacting one and only because its members were all Privy Councillors whose duties kept them in Edinburgh, could it fulfil its function. This is one more example of a need to which, in the King's view, it was the Council's duty to respond.

What James imposed on Scotland was a form of conciliar government in which the members of his Council never doubted the extent of their powers. Innovation or any original thinking on their part were both discouraged. Instead they were expected to supply the King at Whitehall with a steady stream of detailed information on all public matters and to promote the King's policies with a convincing degree of enthusiasm. To improve communication between Scotland and England one of James VI's first acts after 1603 was to ensure the existence of a regular postal service between his two kingdoms, with letters taking no more than a week to reach Edinburgh from London.⁹⁰ In practice the relationship between the King and his Council was both more complex and more flexible than first appearances might suggest. James was

always sensitive to the doubts voiced by those he trusted in Edinburgh; though their criticisms often provoked sharp rebukes from the King, he also knew when to adjust his demands to their views. One feature of his government is particularly noteworthy. The line of policy his Privy Council followed in matters of church and state alike was dictated by the King alone. At the same time his declared wishes did not always ensure action on its part. When his demands proved unpopular the Council resorted to delaying tactics, which were often successful. In the secular field their views often coincided, though the King's enthusiasm for a closer union with England was not one his Scottish subjects wholeheartedly shared.

In church affairs it was James VI's unswerving aim to contain, if not eliminate, what he saw as the two chief threats to the Church policy he had in mind. One was the radicalism represented by Andrew Melville and his followers, the other a Catholic revival stoked by the fires of the Counter-Reformation.⁹¹ Among the King's aims was the acceptance of bishops, not only in a clerical capacity but as political administrators too. In both fields the royal aspirations were bound to evoke dissent. The role of bishops in the Kirk was always a cause of dispute and to the Privy Council no advantage could be gained from sharing its power with members of the clerical estate. Its members looked back without nostalgia to pre-Reformation Scotland in which Cardinal Beaton, whose murder took place in 1546, had been Lord Chancellor. They had no wish to see such appointments revived. The Chancellor, Dunfermline was quoted as saying 'very freely "hold them at the door, for if they come in", meaning the prelates, "they will disturb both church and state" '.⁹² His opinion was widely shared.

One of the reasons King James favoured the political advancement of his Scottish bishops was also a cause for the resentment they aroused among the nobility. None of them came from aristocratic stock. On the contrary, most of them, like John Spottiswood, Archbishop of St Andrews, and the first bishop after Cardinal Beaton to be made Lord Chancellor, were mere lairds' sons. To King James it appeared advantageous that the royal administrators on whom he most relied should owe their promotion to the Crown rather than to their hereditary status, but the nobles saw the matter in a different light. There was another reason for their hostility. What the King asked of them was that they should share their power with bishops who were not only political rivals but lacked, in most cases, the skills required to play a political role. (Law and Knox were both exceptions in that they played a notable part in promoting the King's peace in their respective bishoprics of Orkney and of the Isles.) The King wanted nothing less for his Scottish bishops than the status accorded to their English counterparts. This was only reluctantly conceded. The money paid to them was a further grievance. From the bishops' testaments which survive, it emerges that most of them were owed substantial sums of money when they died. The same must have been true during their term of office. For bishops to take legal action against their debtors, which was probably quite a frequent occurrence, would gain them no popularity. Rather it would reinforce their detractors' claim that bishops were both rich and greedy. Even in a clerical capacity, their competence was questioned. It was the opinion of another bishop, Guthrie, that of all Charles I's bishops, 'none was generally esteemed gifted for the office except Bishop Maxwell'.⁹³

The resentment bishops aroused in lay circles was felt also by some

ministers, though it sprang from different causes. They attract unfavourable mention in *Boanerges or the Humble Supplication of the Ministers of Scotland to the High Court of Parliament in England* which was published in 1624. What this pamphlet reveals is that even before the ecclesiastical policies of Charles I were disclosed, some ministers were already aware that their grievances might find support in England, as well as at home. *Boanerges* was addressed to a politically sensitive forum where subjects' grievances might be aired and 'the enormities of the Commonwealth reduced'.⁹⁴

In the argument they advanced the ministers did not profess to expound 'our manner of discipline' but made three points. The first was a plea for support in opposing the ecclesiastical policies of the Crown. 'We do here exhibit a petition . . . that neither we be thus scandalised nor any servant of God put from his estate . . . for making a conscience against some frivolous ceremonies, which are not things indifferent (as now is the phrase) if you compel men to the observation.' Their plea was 'not to clog our consciences with ceremonies and devices of men'. They then painted a vivid picture of 'our greatest enemies, such as live in pomp, state, glory, feasting . . . such as have plurality of Benefices, are resident at none of them and scarce preach once in a year, such as are prebends in Cathedral Churches: whole livings inordinately spent upon a number of drones and devouring panches [Easter] singing men, organists, choristers and divers superfluous officers which otherwise might be extended towards the relief of poor scholars . . . and all this is the more lamented because many times the place of preaching is unsupplied and when it is supplied you shall find at least a dozen ministers walking in your most frequented churches without hearing the word of God at all . . . Judge, most

gracious Lords, whether our souls are truly vexed or no at the enormities and gross wickedness of clergymen, when amongst you there are such covetous and ambitious Preachers that retain divers Benefices, offices, and Church livings in their hands and growing rich are able to purchase Lordships and manors . . .’

In putting forward a case against clerical self-indulgence, the authors of *Boanerges* were careful to present it in terms most telling to an English audience. ‘When Cardinal Wolsey was made *legatus a latere*, Lord Chancellor of England and Archbishop of York, and had a Bill agreed in public of all his temporal and spiritual livings, there was such murmurings and repinings among honest civil men that they durst publically presage his downfall . . . The like was spoken of Gardiner and Cardinal Pole.’ In attacking Catholic insolence and condemning the Spanish match, the ministers knew they could count on support in England and this they were at pains to promote. ‘Was it well done think you to compose that book of *Rosa Hispanica* and *Angelicum Punicum* . . . the very women in Edinburgh have made good sport here of the jests that have been continued upon it.’⁹⁵ In describing the miseries they saw before them in England, ‘the swarming and increase of the poor, the decay of trades . . . in London there are a thousand several houses to be let,’ the ministers to whom we owe *Boanerges* were reflecting a despondency shared by many in both countries at the time; but they also displayed a growing awareness of the common ground, political as well as religious, where those with dissident views might find allies.

Political bishops were only one feature of King James’s ecclesiastical policy that some of his Scottish subjects found hard to accept. The Five

Articles of Perth, though approved by Parliament in 1621, had been hotly contested and but for the pressure exerted both before and at the sessions by the King's chosen Commissioner, the Marquis of Hamilton, it is likely that the vote would have gone another way. As it was, the clerical estate alone supported the Articles without dissent and it was with its help that Hamilton was able to secure, by twenty-six votes, the decision he sought.⁹⁶ In spite of the Crown's apparent success on this occasion, the victory obtained proved somewhat hollow. Even before Parliament met it was claimed by some of the ministers who opposed the Five Articles that the General Assembly held at Perth in 1618 was not a lawfully constituted body. For this reason the Acts which it had approved could not be ratified in Parliament.⁹⁷ According to Calderwood it was also widely believed that Hamilton in his opening address, when of course he spoke in the King's name, made the promise that 'if they would consent to the Five Articles they should never be urged with more ceremonies'.⁹⁸ Row goes further in asserting that the promise given in public at the Perth Assembly of 1619 was that should the Five Articles be passed, no man would thereafter be punished for disobeying them.⁹⁹ The Commissioner then echoed what all the King's supporters felt when he claimed that the points in dispute were nothing more than a matter of Kirk discipline in which field the King was legally entitled 'to command in things indifferent'.¹⁰⁰ Over and over again, in the years that followed, this phrase, so repugnant to the authors of *Boanerges*, was to be used both ironically when they were questioned, and in defence of the disputed Acts.

Calderwood's account of the 1621 Parliament is not only very detailed, it also shows the dawn of a Parliamentary opposition in which some of the lords

who would later unite against Charles I already found themselves in disagreement with Crown policies. Rothés, Balmerino, Loudoun, Yester, Eglinton and Linlithgow were of this number but the dissatisfaction they felt was not confined to the nobility. It was even more widespread among the lairds and in the burghs. Although the tax proposals were unpopular, in particular those relating to the new-fangled tax on annual rents accruing from investments, it was the Five Articles of Perth and their proposed ratification which aroused the strongest passions. Calderwood records the figures when the crucial vote was taken on 4 August, and they make interesting reading. Predictably, all eleven of the bishops and the eight officers of state voted for the Articles, but unanimity was confined to these two groups. Out of the nobles, eleven of whom were absent, thirty-one voted for the Crown and fourteen against. The small barons (lairds) were equally divided, with eleven votes cast on either side. It was the burghs' vote, however, which showed the greatest degree of independence. Of their delegates, twenty-four voted against the Articles and only twenty in their favour.¹⁰¹ In order to achieve a majority, the Marquis of Hamilton made use of some of the devices which were so bitterly resented when employed by Charles I twelve years later at the Parliament of 1633. On both occasions recourse was had to proxies and doubts were voiced whether the votes cast were correctly recorded.

In 1621 it was resented by the nobles that, contrary to the promise some people thought Hamilton had given, no time was allowed them to debate the conclusions reached by the Lords of the Articles before casting their own votes. Instead, they were coerced into 'sudden judgement like as many cyphers,' and any opportunity 'to give their voting with advisement' as they

thought proper was denied to them.¹⁰² In 1633 the dissatisfaction which was felt over the election of the Lords of the Articles, who were both chosen and manipulated by the King, was openly expressed, but the resentment that came to a head then had its roots in previous Parliaments. Even before 1621, at the 1617 Parliament, Calderwood noted that the 'noblemen, especially such as feared a prejudice to their estate and namely touching the dissolution of the erections, and of the right they had to the tithes, were not content that they should be chosen, as the King and the bishops would have them'.¹⁰³

Another cause for the resentment felt over Hamilton's conduct of the 1621 Parliament was his insistence that a single vote should decide the fate of all Five Articles 'albeit . . . they were different in themselves'.¹⁰⁴ The same policy was adopted in the matter of taxation when with one vote the Estates were called upon to approve not only the ordinary taxation, about which few disagreed, but the extraordinary taxation of annual rents which, as Melrose told the King, 'Many abhor as a novelty and a discovery of their misery and overthrow of their credit'.¹⁰⁵ In the face of mounting opposition, the same tactics were used again in 1633 without regard to the acrimony already evident in 1621. Nor was it sufficiently appreciated, when the time came for King Charles to summon his first Scottish Parliament, that some of the King's ablest opponents had not only learned their first political lessons at a previous Parliament, but in circumstances so contentious that none of those who played a part in them would easily forget their conclusion.

In James VI's eyes, the Parliament of 1621 was highly successful and his satisfaction is reflected in the grant of £10,000 stg. he conferred on Hamilton shortly after. In a letter he wrote to Mar in the spring of 1622, insisting that

the money must be paid, King James went out of his way to dispel the doubts his Lord High Treasurer he knew must feel, on being asked to produce such a large sum of money out of the meagre Exchequer funds at his disposal. 'I promised this unto him at his return from Scotland', urged the King, 'and his service at that Parliament deserved a great deal more, therefore according to his merit let him be cheerfully satisfied in this'.¹⁰⁶

The 1621 Parliament left a sour taste in the mouths of many as King James, always sensitive to public opinion, was probably aware. How much importance he attached to it is less easy to establish, for as he well knew, some of the Scottish problems facing him admitted of no easy solution. Since the Union of the Crowns in 1603 there had been no wars in Scotland and Holyrood was no longer a court. These factors have attracted comment before and they may have contributed to the restlessness felt by a governing class whose members were both ambitious and in some cases under-employed.¹⁰⁷

It also added nothing to their contentment to know that grants on the scale of those promised to Nithsdale and Hamilton were prizes that only courtiers were likely to win. The King's conciliatory letter to Mar showed his awareness of this, but though he was prepared to explain his policy to an old friend like the Earl, he made no move to reverse it. Significantly, the only man rewarded for his part in the outcome of the 1621 Parliament was Hamilton, though Dunfermline, the Chancellor, and the Earl of Melrose contributed notably to his success.¹⁰⁸ To deal with the opposition some of his policies aroused, James relied heavily on his Privy Council, on which the two last-named statesmen played a leading part. Its members were chosen with care and those who served the King well in this capacity were handsomely rewarded for their

endeavours.¹⁰⁹ Such rewards, however, were always conditional on their willingness to implement or at least to support policies with which some of them were not in agreement. After 1621 the King stood in particular need of their co-operation, for without it the Parliamentary gains achieved in that year would count for nothing.

As the long reign of James VI drew to a close, the gap between the Scots at court and those who remained at home can only have widened, for the latter knew that the political power denied to most of them under the old king's aegis was unlikely to increase under his successor. The Prince's Council had not introduced any notable newcomers into the Scottish administration, nor had it narrowed the gap between Whitehall and Holyrood. Once King James died, home-based Scots would find themselves, they knew, dealing with an English king who possessed neither the 'salmon-like instinct' so cherished by his father, nor his intimate knowledge of Scottish affairs.¹¹⁰ For the politically ambitious, there was no better forum than Parliament in which to make their name, but after 1621 the King had no immediate need to call one. He also had no great wish to do so. Public assemblies, whether in the form of Parliaments or of General Assemblies, were not popular with a sovereign who valued them only as the vehicle by which the policies he favoured might receive official sanction.

A successful Parliament was only one part of a struggle which was far from being over. The Five Articles so grudgingly conceded remained a centre of controversy and, in spite of the King's insistence, they were very seldom rigorously enforced.¹¹¹ What was enforced, however, was the punishment meted out to those whose criticism of the King's policies went beyond mere

dissent. Any minister rash enough to make public his dissatisfaction with the Five Articles could find himself removed from his charge and sent either to prison or to some remote country parish. Such a fate befell Mr John Murray, the Minister for Dunfermline, in 1622 when he was banished to Fowlis in Strathearn.¹¹² As time went by, the criticism voiced by some of the ministers attracted a growing volume of lay support. This came both from the nobles and the burghs. In 1623, Lord Eglinton had the backing of the town of Irvine in his attempt to get Mr David Dickson, a dissident minister, released from the parish of Turriff to which he had been banished.¹¹³ In 1624 six Edinburgh burghers, including an advocate, a butcher and two merchants, headed by a bailiff of the name of William Rig, were summoned before the Council, accused of holding a private meeting at which the doctrine of their ministers was criticised.¹¹⁴ The King's first response to the charge was a demand that Rig should be deprived of his office, fined at least £50,000 Sc., imprisoned in Blackness Castle till he paid up, and confined thereafter in Orkney. The lords who examined the accused were so alarmed by the King's high-handedness that they insisted the case must be judged by the whole Council, as they were unwilling to take responsibility for it by themselves. In the end, Rig and his supporters promised 'amendment and a peaceable and quiet behaviour in time coming'.¹¹⁵ The defiance of Rig and his associates is reflected in the votes cast by their estate at the 1621 Parliament.

From the manner in which the King reacted to what he must have seen as a threat, it could be adduced that the misgivings he felt about some of his subjects' attitudes went far beyond the mild disapproval voiced by his Council.¹¹⁶ For one thing, private meetings, which Rig admitted attending,

were anathema to James, who saw them as ‘seditious conventicles’ posing as congregations at which only opposition to his clerical policies was voiced.¹¹⁷ In a letter dealing with the Rig case, four among the chief officers of state expressed their disquiet at the King’s insistence on punishment. ‘They are protesting’, a contemporary noted, ‘against an extraordinary great fine . . . which has been imposed for causes unknown’. The four officers were Hay, Mar, Melrose and Oliphant.¹¹⁸ In 1624, the King caused a proclamation to be displayed at the Market Cross forbidding all private meetings.¹¹⁹ In addition to the dangers he foresaw in conventicles, James also appreciated the fact that an influx of ministers into the capital when Parliament was sitting encouraged the growth of an opposition which was already vocal and might prove dangerous as well. The problem was already apparent in 1621, when the Council issued a proclamation forbidding any minister whose parish was, in Scottish parlance, ‘out-with’ the city, to remain in Edinburgh while Parliament was in session.¹²⁰

In spite of the King’s threats and the continuous pressure he exerted on his Council to ensure that they were carried out, clerical opposition did not decline. In June 1624 four ministers were summoned before the Privy Council. John Murray was one of them, and Thomas Hogg, who, in the following reign, was to play a notable part in Balmerino’s *Supplication*, was another. Already in 1624 Hogg was noted as ‘a deposed minister’ and in the summons directed against him, the Council listed his offences: he ‘hinders the obedience of our people to the laws and stirs them up to continue in their disobedience and disconformity to the orders of the King’. ²¹ Another habit which, according to Bishop Guthrie, was also growing at this time, was the practice favoured by

some radical ministers of holding a fast in their parishes on the first sabbath of every quarter. Only those members of the flock who shared the minister's views were invited to take part and in the course of the day they seized the opportunity 'to hint at the danger of religion by prelacy'.¹²²

That the King's policies were contested cannot be denied, and from the measures he adopted to quell opposition it can be seen that no one knew this better than the King himself. At the same time there was another side to the picture, which David Calderwood, the chief contemporary spokesman for the dissenting ministers, did not choose to see. 'Episcopal Government', noted Bishop Guthry, 'was established by law and that not without the consent and furtherance of many of the wisest among the ministry whom experience had taught to see a necessity of having bishops set up to curb the humour of some preachers, especially the younger sort, whose outbreakings against authority, both in their pulpits and meetings, were very offensive'.¹²³ The support which the Aberdeen doctors would receive after 1637 in their defence of Episcopacy and the reservations they expressed about the National Covenant were not confined to that town.¹²⁴ Guthry was aware, when he wrote, that in what has been called 'the brae country', i.e. the northern lowlands, where a number of landed families still retained Catholic links, Episcopacy had many supporters.

What emerges quite clearly from a study of King James's government of Scotland is that all the major problems with which Charles I would be confronted were already apparent by the end of his father's reign. This is not to disparage the achievement of a notably successful ruler. James inherited a country both poor and divided, and by the time he died it had become more

prosperous and certainly more peaceable than at any previous time. The arts were flourishing, noblemen's dwellings were no longer designed purely for defence and the nation's mood was one of self-confidence. It was also one of impatience. The Union of 1603 had aroused hopes in Scotland which twenty years later remained largely unfulfilled. The jealousy evoked in England by the royal favours conferred on some of the King's Scottish subjects disguises the fact that the number of such beneficiaries was smaller than their critics claimed. To most of his fellow countrymen, the King's absence from Scotland brought no advantages. Royal patronage became a memory and the King's palaces fell into decay.¹²⁵

With no one in authority authorised to conserve the royal possessions it is hardly surprising that in 1626 there was even a dispute about the ownership of the hangings at Holyrood House.¹²⁶ The English market from which the Scots hoped to profit proved more intent on preserving the advantages it already possessed, than opening its doors to accommodate a northern partner. In this it proved a disappointment to James VI. After a few years in England, he was obliged to accept that the dream he cherished of ruling over a truly united kingdom would long remain no more than a dream.

Inflation was another factor to figure prominently in the years preceding Charles I's accession. The currency became debased and the records both of Parliament and the Convention of Royal Burghs show the great concern felt over the export of coin.¹²⁷ Famine was another hazard. Between 1550 and 1600 there were twenty-four years of scarcity in which people starved to death, and though conditions improved as the seventeenth century progressed, no worse famine is recorded than that of 1623.¹²⁸ Thus, in spite of the advances

in the arts, in education, and the rule of law which took place under James VI, the society he left behind him was more fragile than might at first sight appear. Both in politics and religion the compromise he had secured was an uneasy one, owing its stability in large part to the King's determination that it should succeed. In the long term the religious settlement of 1621 could only have gained acceptance had his son and successor secured the backing of his Privy Council in curbing dissident ministers. This he failed to do, but even before his accession, the Council lacked enthusiasm for the task. Although James undoubtedly knew 'the temper of his people', he appears to have underestimated the fact that the support needed to push through some of the measures he proposed was dwindling all the time. The commitment he showed to an Episcopal regime in Scotland lent credibility to the rumours current in that country as early as 1607 that 'an intended conformity with the Kirk of England' was what the King had in mind.¹²⁹ It also served to strengthen the links between the Puritans in both kingdoms.¹³⁰

On the political front, it was left to Charles to discover that the opposition he encountered at his accession was not only sophisticated, it was also beginning, albeit in a tentative manner, to formulate policies. The group of nobles singled out by Guthry, of whom Rothes was to prove the ablest, had learned their lesson at two Parliaments from which only the King emerged a winner. They had seen the use made of proxies and the power conferred on the Crown by the bishops' votes when the Lords of the Articles were chosen. No increase in their authority was likely to take place under Charles, for any new members admitted to the Council were more likely to be royal favourites or nominees of one or other of the older Councillors than troublemakers whose

views were already known at court.

At the time of Charles's accession, Rothes and his supporters were no more than an ambitious, dissatisfied group whose aspirations might one day become demands. It would be an exaggeration to see them as anything more. Even so, the very presence of such a group is indicative of a changing society whose political needs could no longer be satisfied by the Jacobean order imposed, hitherto so successfully, on a turbulent people by its shrewd and pragmatic king.

Notes

1. SRO, P 33/33/11. *The Miraculous and Happy Union of England and Scotland by how admirable means it is effected etc.* (London, 1604).
2. R. Pont, 'Of the Union of Britayne', *The Jacobean Union. Six tracts of 1604*, ed. B. Galloway and B. Levack, SHS, Fourth Series (Edinburgh, 1985), XXI, 22.
3. J. Russell, *A Treatise of the happie and blissed Unioun*, SHS, Fourth Series, XXI (1985), 117-18; *A Loyall Subjectis Advertisement as to the Unpopularity of James I's Government in England*, ed. J. Duncan-Mackie, SHS, XXIII (1925), 1-17. As late as 1730 Sir John Clerk noted that 'among both peoples old hatreds still live'; Sir John Clerk of Penicuik, *History of the Union of Scotland and England*, ed. D. Denison, SHS, VI (1993), 54.
4. *The Gude and Godlie Ballatis*, ed. I. Ross (London, 1957), 30.
5. S.A. Burrell, 'The Apocalyptic Vision of the Early Covenanters', SHR, XLIII, No. 135, (1964), 1-24.
6. *Letters of Samuel Rutherford*, ed. A. Bonar (Edinburgh, 1894), Letter XVI, 63.
7. J. Grant, *Cassell's Old and New Edinburgh*, 3 vols (London, 1882), II, 363-72; F. Bedford, *History of George Heriot's Hospital*, (Edinburgh, 1872); G. Marshall, *Presbyteries and Profits. Calvinism and the development of capitalism in Scotland 1560-1707*, (Oxford, 1980), 46-7.
8. J. Spalding, *Memorialls of the Trubles in Scotland and England 1624-1645*, ed. J. Stuart, 2 vols. (Spalding Club, Edinburgh, 1850-1851), I, 42-3.
9. *The Register of the Privy Council of Scotland*, 1st and 2nd series (Edinburgh 1877-1908), 2nd Series, I, xcii-iii; JPs were introduced in 1609.
10. *Ibid.*, 2nd series, I, 678-9.
11. *Correspondence of the first Earl of Ancram and his son the third Earl of Lothian*, ed. D. Laing, 2 vols., Bannatyne Club (Edinburgh, 1875), II (1649-1667), 482.
12. *English and Scottish Popular Ballads*, ed. from collection of Francis Child by H. Sargent and G. Kittredge (London, 1905), 453-6, 456-61.
13. *RPC*, XII, 582-3.
14. *The Book of Caerlaverock*, ed. W. Fraser, 2 vols. (Edinburgh, 1873) II, 108-110; H.S. Reinmuth jun., 'Border Society in Transition', *Early Stuart Studies*, ed. H.S. Reinmuth jun (Minnesota, 1970).

15. SHS, 3rd series (1952). *Scottish Population Statistics*, ed. J. Kyd, xviii-xix. In the eighteenth century over half of the population lived north of the central belt.
16. G. Donaldson, *Scotland. The Making of the Kingdom. James V–James VII* (Edinburgh, 1965), 230-31; *King James VI. Basilikon Doron*, ed. J. Craigie, 2 vols., (Edinburgh, 1944-50), I, 70. The islanders are described as ‘wolves and wild boars’.
17. Donaldson, *Scotland James V–James VII*, 228-9.
18. *The Ruthven Family Papers*, ed. S. Cowan (London, 1912); W. Roughead, *The Riddle of the Ruthvens and other studies* (Edinburgh, 1919), 3-35; *Pitcairn’s Criminal Trials*, 3 vols, (Edinburgh, 1833), II, 146-299; S. Cowan, *The Gowrie Conspiracy* (London, 1902); J. Scott, *A History of the Life and Death of John Earl of Gowrie* (Edinburgh, 1818).
19. *The Peerage of Scotland*, ed. Sir R. Douglas of Glenbervie, 2 vols. (Edinburgh, 1813), II, 46.
20. *The Complete Peerage*, ed. V. Gibbs et al., 13 vols. (London, 1910-40), VI, 67.
21. *Registrum Magni Sigilli Regnum Scotorum 1609–20*, ed. J.M. Thomson (Edinburgh, 1892), 366. He held the post of Treasurer from 1613 to 1616.
22. Sir A. Weldon, *Secret History of the Court of James I*, ed. Sir W. Scott, 2 vols. (Edinburgh, 1811), I, 374.
23. S.R. Gardiner, ‘Account of the Earl of Somerset’s affair’, *Archaeologia*, XLI (London, 1867), 155, 152. The Duke of Lennox and Lord Hay were two other recipients of foreign pensions. In their case the pensions were French.
24. R. Lockyer, *Buckingham, The Life and Political Career of George Villiers, First Duke of Buckingham 1592-1628*, (London, 1981), 22-3.
25. *Memoirs of Archibald, First Lord Napier*, (Edinburgh, 1793), 99. ‘A True Relation of the Unjust Pursuit against Lord Napier’ forms part of this work.
26. Historical Manuscripts Commission, *MSS of the Earls of Mar & Kellie* (60) (1904), 110.
27. *The Complete Peerage*, op. cit., VI, 258-9. Hamilton became a Privy Councillor (England) 1617, Knight of the Garter 1623, Lord Steward of the Household 1624-5.
28. N. Cuddy, ‘Anglo-Scottish Union and the Court of James I 1603-25’, *Transactions of the Royal Historical Society*, 5th series, 39 (London, 1989), 120.

29. I.B. Cowan, *The Five Articles of Perth. Reformation and Revolution* (Edinburgh, 1967); Wodrow MSS, NLS, f. 5, Vol. V CHI/5/3; *Five reasons against Articles of Perth 1618*, Donaldson, *Scotland James V-James VII*, 209-210. The Five Articles were: kneeling at communion, the observance of the Christian year, private communion, private baptism, and confirmation.
30. *RPC*, XII, 558n, 562n; D. Calderwood, *The History of the Kirk of Scotland*, 8 vols., ed. T. Thomson, Wodrow Society (Edinburgh, 1845), VII, 488-9.
31. HMC, *M&K*, Supplement (1930), 126.
32. Calderwood, *History*, VII, 557; HMC, *M&K*, Supplement (1930) 126.
33. Sir John Scot of Scotstarvet, *The Staggering State of Scottish Statesmen from 1550-1650*, ed. C. Rogers, The Maitland Club (Edinburgh, 1872), 19, 124. Sir John Scot described Mr John Hamilton as 'a good man but void of learning' but as Scot was notoriously ill-natured the criticism may have been unjust.
34. *Memoirs of Lord Napier*, 100; HMC, *M&K* (1904), 116.
35. *The Complete Peerage*, IV, 178.
36. Bishop Burnet, *Memoirs of Dukes of Hamilton* (Oxford, 1842), 517; HMC, *M&K*, Supplement (1930), 189; H. Rubinstein, *Captain Luckless* (Edinburgh and London, 1973), 12.
37. Rubinstein, *Captain Luckless*, 10.
38. *The Scots Peerage*, ed. J. Balfour Paul, 9 vols. (Edinburgh, 1904-14), IV, 486: The Earldom of Nithsdale conferred on Lord Maxwell in 1621 was not regarded as a new creation but a substitute with the same precedence as the Earldom of Morton granted to his father in 1581; *State Papers and Miscellaneous Correspondence of Thomas Earl of Melrose*, 2 vols., Abbotsford Club (Edinburgh, 1837), II, 374-6: The precedence was unpopular and contested by ten earls.
39. *SP*, I, 228, VI, 487. The marriage never took place.
40. HMC, *M&K*, Supplement (1930), 122-3.
41. Rubinstein, *Captain Luckless*, 11. In 1619 the King had conferred on Hamilton's father, the second Marquis, the title of Earl of Cambridge which had previously only been bestowed on princes of the Royal blood.
42. Bishop Burnet, *History of His Own Time*, 4 vols. (London, 1753), I, 26.
43. *RPC*, 2nd series, II, 535, III, 96-7.

44. APS, III, 451. At the Parliament of 1587 an act was passed making it treason carrying a death penalty to murder anyone who was found to be under 'the trust, credit, assurance and power of the slayer'.
45. RPC, XII, 640.
46. Ibid., XI, 41-2, 392, 565.
47. Ibid., XIII, 219-22.
48. HMC, M&K, Supplement (60) (1930), 126.
49. RPC, XIII, 545-6.
50. Ibid., XIII, ix, 574, 576, 593, 606.
51. *Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice and in other Libraries of Northern Italy*, A.B. Hinds (ed.), XIX-XXIV (1624-39) (London, 1913-1923), XVIII, 1623-5, 433; RPC, XIII, xiii, 545; Lockyer, 232.
52. *The Book of Caerlaverock*, II, 334-5.
53. Ibid., II, 46; RPC, XII, 673-5. As a Commissioner for the Middle Shires which he became in 1622, he complained to the Privy Council of its lack of support for his actions.
54. *The Book of Caerlaverock*, II, 111-13, 116-7, 122-3. Last letter to Cardinal Richelieu, December 1632.
55. *Letters and State Papers during the reign of James VI*, ed. A. Anderson (Abbotsford Club, Edinburgh, 1838), 318n.
56. SP, I, 227-8.
57. *Registrum Magni Sigilli Regnum Scotorum 1609-20*, (ed.) J.M. Thomson, (Edinburgh, 1892), 366.
58. SP, I, 227.
59. Ibid., III, 369-73; RPC, XII, 52-62.
60. *Treasury Accounts*, fo. 109(A), quoted in W. Seton, *The Early Years of Henry Frederick, Prince of Wales, and Charles, Duke of Albany 1593-1605*, (1916). SHR, XIII, 366-79.
61. RPC, XII, 57-60.
62. Ibid., XII, 138-9.

63. 'Scot of Scotstarvet', J.K. Cameron, *Scottish Studies*, xxviii (1987). Sir John endowed a chair of Humanity at St Leonard's College, St Andrews, and established there a library to which some Dutch academics contributed.
64. *RPC*, XII, 246-8.
65. *Cobbett's Complete Collection of State Trials*, 34 vols. (1809-28): 'The Trial of James, Lord Ochiltree for Calumnies and slanderous speeches against James, Marquis of Hamilton and the Earls of Haddington, Roxburgh and Buccleugh tending to the sowing of Sedition betwixt His Majesty and the said Noblemen, at Edinburgh: Charles I AD 1631'. From an authentic MS, III, 426-84. The quotation, III, 435.
66. *Ibid.*, III, 436.
67. R. Marshall, *The House of Hamilton in its Anglo-Scottish Setting in the Seventeenth Century, Part 2* (Ph.D., Edinburgh, 1970).
68. L. Graham, *Or and Sable* (Edinburgh, 1903), 628, 624-5.
69. *RPC*, XII, 604.
70. *Ibid.*, XII, 781.
71. Calderwood, *History*, VII, 491; *Melrose Papers*, II, 425.
72. *RPC*, XII, 104, 106-7. Udward, who was an exceptionally active entrepreneur, described the Scottish soap of his day as 'filthie'.
73. *Ibid.*, XIII, 157, 162, 167, 555-8.
74. W. Taylor, *The Scottish Privy Council 1603-25, Its Composition and its Work*, Appendix D (Ph.D., Edinburgh, 1950.)
75. *RPC*, XII, 167. The number of tanners who came to Scotland was seventeen.
76. *Ibid.*, XII, 398-400; *Extracts from the Records of the Convention of the Royal Burghs of Scotland*, ed. J.D. Marwick, 8 vols. (Edinburgh, 1870-1915), III (1615-1676), 177-8.
77. G. Lythe, *The Economy of Scotland in its European Setting 1550-1625* (Edinburgh, 1960), 61.
78. *RPC*, XI, 138-9. *APS*, IV, 515. Sir George also started an iron-smelting works.
79. *RPC*, XII, 439-41.
80. *Ibid.*, XII, 231.
81. *Ibid.*, XII, 258, 367-8, 408-10.

82. Ibid., XII, xx-xxiv, 387-8.
83. Ibid., XIII, xiii-xiv, 106, 117, 141.
84. Ibid., XIII, 70.
85. Ibid., XIII, xvi-xvii, 811-12, 299-302.
86. Ibid., XIII, xv. In his valuable introduction to this volume of the *RPC* David Masson suggests that the King's concern over Grievances may have resulted from his experiences at the English Parliament held in 1622.
87. Ibid., XIII, 239-48.
88. Ibid., XIII, 248.
89. Ibid., 555-6; R. Mitchison, *A History of Scotland* (London, 1970), 182-3.
90. Taylor, *The Scottish Privy Council 1603-25*, 6-7; W. Taylor, 'The King's Mails, 1603-25', *SHR*, XLII-XLIII (Edinburgh, 1963), 143-7.
91. *RPC*, VII, 76. In the Privy Council records there are references to a secret society based in Aberdeenshire and operating between 1600 and 1610. It called itself The Society and Company of Boys or The Knights of the Mortar. Although largely criminal in intention, it seems to have had religious overtones as well.
92. MSS of the Earl of Moray, seen at West Register House, Edinburgh, box 40, nos. 1-68, letter no. 25.
93. *The Memoirs of Henry Guthry, Late Bishop of Dunkeld* (Glasgow, 1747), 16-17; W.S. Snow, *The Times, Life and Thought of Patrick Forbes, Bishop of Aberdeen 1618-1635* (London, 1952), 162.
94. SRO, P. 33/33/1-21. *Boanerges, or the Humble Supplication of the Ministers of Scotland to the High Court of Parliament in England* (Edinburgh, 1624). Its authenticity has been questioned but with no firm evidence offered in support.
95. *Rosa Hispanica* and *Angelicum Punicum* refer to a single book, *Castra haec Rosa Hispani-Anglica seu malum punicum Angl-Hispanicum* (Pollard and Redgrave 7346), a pamphlet of 1624 protesting against the Spanish match whose short title in English would read 'The Spanish-English Rose'.
96. *RPC*, XII, 557-9n; J. Row claimed that the Five Articles were passed by only nine votes with proxies playing an important part: J. Row, *History of the Kirk of Scotland, 1558-1637*, ed. D. Laing (Edinburgh, 1842), 329-30; *RPC*, XII, 559n records that 85 voted for the Act and 59 against; J. Goodare, 'The Scottish Parliament of 1621', *Historical*

Journal, vol. 38 (1995), 29-51. An analysis of the voting in 1621 indicates a court/county split; it also indicates who at a later date would sign the Covenant.

97. Calderwood, *History*, VII, 479-81. J. D. Ford, 'Conformity in Conscience: the Structure of the Perth Articles Debate in Scotland 1618-38', *Journal of Ecclesiastical History*, vol. 46 (April 1995), 256-77.
98. Calderwood, *History*, VII, 489.
99. NLS, Wodrow, fo. lxix; Row, *History*, 324.
100. Calderwood, *History*, VII, 489.
101. Calderwood, *History*, VII, 498-501; *RPC*, XII, 557-559n. The *RPC* figures do not agree with Calderwood's. They are Nobles, pro 28, anti 15; Lairds, pro 18, anti 19; Burghs, pro 20, anti 25.
102. Calderwood, *History*, VII, 496.
103. *Ibid.*, VII, 250.
104. *Ibid.*, VII, 496.
105. *Melrose Papers*, II, 425.
106. HMC, *M&K*, (1904) 111. The letter was dated 20 April 1622.
107. Donaldson, *Scotland James V-James VII*, 300.
108. Calderwood, *History*, VII, 469, 496.
109. Taylor, *The Scottish Privy Council 1603-25*.
110. *RPC*, X, 685; M. Lee 'Charles I and the end of Conciliar Government in Scotland', Albion Press, XII (1981).
111. Calderwood, *History*, VII, 609-10.
112. *Ibid.*, 519-520.
113. *Ibid.*, 567-8.
114. *Ibid.*, 601-2.
115. *Ibid.*, 607-10. It is doubtful whether Rig's submission went as far as the Council pretended.
116. *Ibid.*, 600.
117. D. Stevenson, 'Conventicles in the Kirk, 1619-1637. The Emergence of a Radical Party', *Records of the Scottish Church History Society*

1972-1974, 99-114.

118. NLS, Denmilne MSS, XI, 33.1.1. 1624, Letter 25.
119. Calderwood, *History*, 611.
120. *Ibid.*, 472-4.
121. *Ibid.*, 614-615. On the Council's orders, four ministers were confined in parishes which, in three cases out of four, were not their own.
122. Guthrie, *Memoirs*, 7.
123. *Ibid.*, 7.
124. W. Foster, *The Church before the Covenant* (Edinburgh, 1975), 183; Snow, *The Times, Life and Thought of Patrick Forbes*, 162; P. Donald, *An Uncounselled King. Charles I and the Scottish Troubles 1637-1641* (Cambridge, 1990), 82, 101.
125. *Account of the Masters of Works for Building and Repairing Royal Palaces and Castles*, ed. J. Imrie and J.G. Dunbar, 2 vols., vol. II, 1616-1649 (Edinburgh, 1982), lxxv-lxxii.
126. *RPC*, 2nd series, I, 428.
127. *APS*, vol. V, 178.
128. J. Wormald, *Court, Kirk and Community. Scotland 1470-1625* (London, 1981), 167, 207.
129. NLS, Denmilne, XI, 33.1.1, Letter No. 26 dated 1 July 1624: One of King James's proposals after 1603 was to declare Archbishop Bancroft Primate of all Britain; P.H. Willson, 'King James and Anglo-Scottish Unity', *Conflict in Stuart England*, eds. W.A. Atkin, B.D. Henning (London, 1960), 300.
130. W. Ferguson, *Scotland's Relation with England. A survey to 1707* (Edinburgh, 1977), 108: a point made in a previous publication.

Chapter 2

THE POLITICS OF CHARLES I

When King James VI died and was succeeded by his sole surviving son, it was only the second time since 1390 that the Crown of Scotland had not passed to a child. In a well-known passage out of his *Annales*, Sir James Balfour emphasised the peaceful note on which the new reign opened. 'King Charles', he wrote, 'began his reign on Sunday the 27th March 1625 with the common applause and hearty love of all his subjects; and on the last of March being Thursday at 2 o'clock in the afternoon, was solemnly proclaimed King at Edinburgh Cross by the lords of His Majesty's Privy Council'.¹ The new King was a young man of whom his Scottish subjects knew relatively little. Although born at Dunfermline, his life since the age of three had been spent almost exclusively in England. In 1603, when his father succeeded to the English throne, the little boy was not thought strong enough to travel to England.² Instead he was committed to the charge of the Earl of Dunfermline, with whose family he remained till the following year. It was then felt that the moment had come for the Chancellor and his wife to bring him south.

Robert Carey wrote an account of the journey and it was his wife who subsequently became the Prince's nurse. The pension awarded to her was £400 stg. per annum during her lifetime and, to judge by the conscientious way in which she discharged her duties, the money was well earned. According to her husband it was she who not only discouraged the prince's anxious father from confining the little boy, who was slow to walk, in iron boots, but also prevented him from slitting the guard under the child's tongue.

By this method King James hoped to cure the speech impediment from which, among other physical handicaps, he suffered.³

Of the sons whom Anne of Denmark bore to James VI, only two survived their childhood and of these, Charles was not only the younger, but the one to whom kingship appeared to pose the greatest problems. As a child he was sickly and even as a man he did not outgrow all his physical handicaps.⁴ In a letter dated 25th February 1622, Thomas, Earl of Kellie writing to John, Earl of Mar, described Prince Charles's expedition to Spain: 'there is not any of the three servants that has French, neither other two very good. Buckingham is the best, but you know the Prince himself stammers much'.⁵ It was his elder brother Henry, a dashing extrovert whose attitudes to many recalled the glories of Elizabeth's reign, who was the nation's darling, and only when he died in 1612 did Charles emerge for the first time from the shadows to which both his own limitations and the panache of the Prince of Wales had hitherto consigned him.

Henry's early death led to an immediate change in his brother's upbringing. While the court was plunged into mourning, the King's reaction to the event was more positive. His elder son had never been sympathetic to the cautious policies which King James almost always favoured. These included the possibility of a Catholic marriage for his heir. Such a prospect held no appeal for Prince Henry. When two Catholic princesses were discussed as potential wives, he remarked that he would prefer the younger as more malleable in religious matters. He thought two religions made bad companions in one bed.⁶

In the court of which he had become the centrepiece, his views must have been common knowledge. For that reason, as soon as he was dead, the King

resolved that the new Prince of Wales should be discouraged from pursuing an equally independent course. This brought about changes which could only be unwelcome to all those who had seen in Prince Henry both an idol and a patron. In a letter he addressed in 1613 to Sir John Digby, who was then ambassador in Spain, Sir John Holles described the new regime. 'Rochester', he wrote, 'hath planted his kinsman Sir Robert Carr, Gentleman of the Bedchamber, and supplanted Sir David Murray, for whom, though the Prince interceded earnestly, yet the King refused, alleging he was a Puritan, seducing his late master to that schism; not one of my master's grooms is received his: Sir Robert Carr's men have these and the carvers', cup bearers' and servers' places, who though they might be permitted about a Duke of York, yet some think a Prince's person should be better attended'.⁷ Sir John had served in the dead Prince's household, which partly explains his bitterness, but in the same letter he reveals the uneasiness aroused in the King's mind by his son's controversial court. 'My master loved me', wrote Holles, 'whence proceed many vapours, many constructions, not according to every ones digestion, but according to the fantosme [*sic*] some have raised of my master's unquiet ends and designs'. In an earlier letter, Sir John refers to the selection made of the new Prince of Wales's household, 'which the King's irresolution hath so long deferred', and laments the loss of all his prospects. 'Never can I hope to climb when my master's memory misunderstood lies trodden in the dust . . . my egg cracked ere it was hatched, for he died.'⁸

What the Holles letters reveal most of all is a courtier's passionate devotion to a very promising young man, but they also show the King's determination that Charles should not emulate his brother in creating a court



which not only rivalled his own, but promoted policies of which he disapproved. In these aims he succeeded. The new Prince of Wales was not permitted to order his own household; its officers were carefully screened and the King made sure that those whose influence he distrusted should not form part of his son's establishment. This somewhat harsh attitude becomes more understandable when it is remembered that the new heir to the throne was not an ambitious young man of eighteen, but a shy, backward boy of twelve.

The grief expressed by so many on Prince Henry's death can have done nothing to increase Charles's self-confidence. The one trait he shared with his brother was a commitment to the arts, and in this field it could be argued that Charles's career as a great art collector began in 1612 when he inherited so many of Prince Henry's treasures. It is recorded that when Henry lay dying his brother brought him, at his request, a small statue which Henry had bought himself and greatly cherished.⁹ The taste both brothers possessed may owe something to their mother, who belonged to a family of notable art collectors. Her brother Christian IV of Denmark was both a builder and bibliophile. Queen Anne herself was devoted to the theatre and it was through her patronage that Inigo Jones was commissioned to build the Queen's House at Greenwich. They had first met in Denmark.¹⁰

The resentment felt by many of the English courtiers at the favours bestowed by the King on his fellow countrymen at court is also a feature of the Holles letters. When Buckingham succeeded Robert Kerr, the Earl of Somerset, as James VI's new favourite, Holles wrote to his brother, Sir George, describing how much support there was at court for the rising star. This was due to two causes: the 'universal dislike' in which Buckingham's

predecessor, Somerset, was held, and the fact that 'he [Buckingham] professeth himself of an English family and had chosen the English for his friends and servants'. These sentiments, according to Holles, gave no pleasure to the Scots, who looked with envy at 'his sudden growth in honour, office and wealth beyond them all'.¹¹ In another letter written to his son in France, Sir John made a mocking allusion to 'the wise Scotchman [who] said with wonder, every beggar speaks French at Paris'.¹² Jokes of this kind must have been quite common at Whitehall after 1603, and they formed a part of the background against which the upbringing of Charles I must be seen.

To English courtiers the King's Scottish mannerisms, including his informality, compared unfavourably with memories of the Virgin Queen. To them one of Henry's main attractions was that he saw himself as an English prince with no alien characteristics. To the King, on the other hand, the Prince of Wales was also a Scottish prince. As such he was encouraged to further the career of Scotsmen at court by including a number in his household, and expected to take an interest in their principality.

Lacking the strong will of his brother, Charles accepted the discipline imposed on him. The result fell short of his father's expectations. Though the Prince formed a sentimental attachment to the land of his birth, he had no clear understanding of its many problems. To him, as to most of his English contemporaries, Scotland was a backwater with no stake in the great events which were then convulsing Europe. As Prince of Wales his political experience was confined to England, where a vociferous House of Commons expressed its mounting dissatisfaction with Buckingham.¹³ If he ever compared Parliamentary attitudes in England with what he knew of their

Scottish equivalent, Charles had no reason to be critical of his father's northern administration. For this reason it is understandable why the policies favoured by King James came increasingly to represent those which would be followed in due course by his successor. Where they differed was in their application. Charles saw in Jacobean Scotland a stability which to some degree was illusory. Parliaments, which in England were the nerve centre of political protest, in Scotland were infrequent and managed events. The apparent docility with which the Privy Council accepted this situation may have encouraged him to discount the existence of any discontent in a country where the King's chief officers had matters so well in hand.

What came to Charles at his brother's death were the responsibilities enshrined in the titles which now became his. He succeeded Henry as Prince and Steward of Scotland with the sub-titles and rights of Duke of Albany, Earl of Carrick, Lord of the Isles and Baron Renfrew.¹⁴ To these honours were added the Earldom of Ross and the Lordships of Ardmannach and Ettrick Forest.¹⁵ In 1619, on the death of Queen Anne, he inherited from her the Lordship of Dunfermline¹⁶ and his connection with that town was one he valued sufficiently to send £500 stg. towards its relief in 1624, when nearly all its buildings were destroyed by fire.¹⁷

Of the problems confronting the new King, some arose from the union in 1603 of two very dissimilar countries. In a letter he addressed to Prince Charles in 1622, the Earl of Mar drew his attention to some of the hazards facing a small, poor country whose king now lived in the affluent south.

Albeit this country be poor, yet being well managed, it may
furnish many true hearts . . . to his Majesty and your service

. . . if it were not over charged by an erroneous custom begun amongst our people to equal their expenses to the manner of England, with whom we cannot in any degree compare in wealth, whereof the subjects here have found the harm, to the undoing of many of the best sort and His Majesty's rents are quite overthrown by the like abuse of precepts and pensions risen from five hundred or a thousand marks Scots to five hundred [or] one thousand pound sterling which multiplication hath so increased His Majesty's charges here that there is no possibility that this estate can subsist unless His Majesty be pleased to forbear imposing of further burdens, and allow the course prescribed for recalling of pensions.

Mar concluded his letter by urging the Prince to 'retrench the abuses and reduce things to that proportion which the Estate of the country may bear'.¹⁸ In what he said to Prince Charles, Mar was only repeating some of the warnings he had conveyed already at different times to the King; in doing so, like many other Treasurers before and after him, he advocated policies that no government would have found easy to follow. Three years after he wrote to Charles the situation had not improved. Indeed in one respect it was worse, for during that period three calamitous harvests had brought both disease and famine in their train.¹⁹ At the same time, the pensions paid out by the Crown, in spite of Mar's concern, showed no sign of diminishing. The situation was aggravated by the fact that Mar, like other public servants, looked on any royal pension he received as inadequate and not among those from which the proposed retrenchments should be made. As he rode south with his fellow

Scots in 1625, after the death of King James, to attend the state funeral, the Lord High Treasurer can have had no easy solutions to offer his new sovereign.

Among those who accompanied Mar on this occasion was the Earl of Melrose, whose entourage included Mr Gilbert Primrose, a lively young man who was also an assiduous correspondent. His father, James Primrose, held the office of Clerk to the Privy Council and as Mr Gilbert journeyed south he kept his parent, who had remained behind in Scotland, fully informed of what was happening. On 4 May he wrote from Ware describing the meeting which took place there between his group and the Scots who, headed by the Earl Marischal, had been sent from court to receive them.²⁰ Young Primrose listened eagerly to the gossip from court and as a result was able to inform his father that 'Buckingham is only in credit'. To the Scots, who had no reason to look upon the king's favourite as an ally, the news was not encouraging.²¹

Subsequently he and his companions, consisting of forty-eight riders, among whom the gentlemen were all in mourning, continued their journey to London. On 10 May, Mr Gilbert wrote again to his father describing the royal funeral, and in his account of this event the part played by his fellow countrymen loomed larger than any other feature of the proceedings. The Earl of Morton, he recounted, bore the standard of Scotland 'in rank with the Earl of Mar'.²² Far more dramatic than the standard bearer's stance, however, was that adopted by the Archbishop of St Andrews. He refused to play any part at all in the ceremony unless the precedence accorded to him equalled that enjoyed by Canterbury. Even when this demand was conceded Spottiswood remained unsatisfied, for the proposal that he should wear white lawn sleeves,

like the English bishops, is one he found wholly unacceptable, 'saying he would . . . go attired according to the form received and observed in his own country and that he should never in his person do that scandal to the Church of Scotland as to assume their apparelling and forgo his own'. Primrose warmly applauded the Archbishop's stand, which he considered 'to the credit of his country and his own lasting praise'.²³

What the incident shows is that the new reign had no sooner begun than Spottiswood, who was not markedly bellicose, felt it incumbent on him, as Primate of Scotland, to make so public a gesture. By doing so he served notice on the King that any attempt to proceed with the Anglicanisation of the Kirk, along the lines favoured by Charles, would be opposed on nationalistic as well as on religious grounds. In later years his views changed, but until this became apparent, the Archbishop of St Andrews could count on a degree of popular support that was lost to him as soon as his role was seen to be that primarily of a royal servant.

In the same letter in which Primrose described King James's funeral he also referred to the reforms Charles intended to make in the Court of Session. 'There will be a scaill [dispersion] among our Councillors and the Sessioners removed from the Council; but whom his Majesty will make choice of he has reserved to himself for avoiding of importunity'.²⁴ From the wording of the letter it appears that the writer assumed that his father, and perhaps others in Edinburgh too, already knew something of what the new King had in mind. In this he may have been mistaken. The passage was subsequently deleted and as the ink with which this was done is not the same as the letter-writer's, it seems likely that James Primrose decided to keep the information conveyed to him

by his son to himself. This he would have done only if it were not yet public knowledge.²⁵

The clerk's caution, if such it was, is understandable, but is unlikely to have influenced events. Although no official announcement was made until November, when the Convention of Estates was informed that the King's care for his subjects' well-being had resulted in 'this distinction of our Privy Council and Session', the rumours flying around between May and November can have left few in any doubt about the King's determination to separate the Council from the Session.²⁶ The result of such a change would be that Privy Councillors could no longer act as law lords.

On 17 May Mr Gilbert had an even more dramatic piece of news to send home. He and 'young Durie', as he called his friend Alexander Gibson, the son of Sir Alexander Gibson of Durie, had been instructed by the Earl of Melrose, who acted at His Majesty's behest, to draw up the King's proposed Revocation 'which' as Gilbert noted 'we have done'.²⁷ In this one brief sentence, as bald as it is tantalising, Primrose gave his father advance warning of the royal bombshell which was shortly to explode over Scotland. As it turned out, the proposed legislation proved so contentious that the rift it created between the King and his Council was never wholly repaired. For this the King must bear part of the blame, but before deciding how much, it is worth considering to what degree the difficulties confronting him in 1625 were of his own making or were problems already in existence well before his reign began.

Looking back now at the events which paved the way to 1637 and the birth of the National Covenant, it is tempting to contrast King James's political acumen with the inflexibility displayed by his son. In making such a

comparison, however, there is a danger that the conclusion reached may be altogether too simple. Two descriptions show the contrasting sides of Charles's character. To one onlooker it was his obstinacy which was most apparent: ' . . . when he hath resolved to follow any course there is no means to draw him from it or alter the least jot of his resolution'.²⁸ Sir Robert Kerr, on the other hand, who knew the King well and recognised his obstinacy, saw it in a somewhat different light. The Earl of Rothes reminded him of this in a letter dated 14 April 1625 when he recalled: 'I remember you did show an impossibility to deliberate in respect of His Majesty's obedient disposition in all things which did please his late father to establish either publicly or enjoin him privately'.²⁹ If Sir Robert was right in his view that Charles would not deviate from the policies laid down by his father, it follows that the reforms he instigated almost as soon as he ascended the throne were ones of which he knew his father approved. A consideration of the time factor involved leads one to the same conclusion.

Gilbert Primrose, according to his own account, was working on details of the new King's proposed Revocation almost as soon as he got to London. By that time, as he informed his father, plans to make what amounted to revolutionary changes in the Court of Session were already far advanced. It is surely inconceivable that measures requiring so much detailed planning as these can have sprung into being during the few weeks which separated King James's death at the end of March from Mr Gilbert's arrival at court in early May. What seems more likely is that some of the reforms so actively pursued in 1625, of which Charles I now appears the sole instigator, were in fact initiated at some earlier date. Before discussing such a possibility, however, a

distinction must be drawn between the two measures in question, namely the Revocation and Charles's proposed reform of the Court of Session. The King's approach to both was different, for in the case of the Revocation, traditional considerations played a particularly important part in his decision. To see why this was so it is necessary to examine the problem in its historical context.

All Scottish kings were aware that a Revocation was the only means by which grants of Crown property made in their name before they reached what, under the feudal law as applied in Scotland, was their majority, at twenty-five, could be revoked. James VI, whose own minority had lasted twenty-three years, knew it better than most, and would certainly have passed the knowledge on to his son.

Although he had no reason to anticipate that his own death would occur while his son was still a minor, he cannot have overlooked the possibility that it might. This leads one by a different road to the same conclusion as the one suggested earlier, namely that Charles I's Revocation was planned in his father's lifetime. On 24 January 1625 Kellie wrote to Mar from Whitehall. The Prince, he informed him, 'is preparing for a Revocation. Chancellor and Secretary only to know while he finds out the answer to questions about the principality, his information comes from some there, and as I have heard, of the best quality.'³⁰ The reforms it embodied were not new, for the teinds (tithes) were a matter of concern to King James well before 1625. In 1617 and in 1623, as we shall shortly see, commissions were appointed with the intention that tacksmen of teinds should contribute more money towards the stipends of ministers. In return they might expect an extension of their tacks.³¹

In Lord Napier's view, 'the business of tithes' was 'a purpose of his father's [James VI's] or his own, who finding the heavy oppression of teindmasters, and the servitude of the people, did earnestly endeavour to remedy it'.³² Bishop Burnet, who relied on his father and the first Earl of Lauderdale for much of his information, states 'the king resolved to carry on two designs that his father had set in foot . . . the first of these was about the recovery of the tithes and church lands'.³³

Charles must have been aware of his father's aims and when circumstances put him in a position to implement them, he found in the Revocation a weapon ideally suited to his purpose. The resentment, and even more, the fear that it aroused, were reactions he found hard to understand, for he seems to have assumed that in exercising what he saw as no more than his legal rights he could count on the backing of his subjects. There is some evidence for this in the account left by the Earl of Mar of a Scottish Privy Council meeting held at Whitehall on 7 January 1626. On that occasion Charles expressed his surprise at the deep concern voiced by some of his ministers over his proposed policies. Referring to the Revocation he claimed that 'he did nothing but that which his father and grandmother and sundry others of his progenitors had done'.³⁴ In the argument that followed, it is worth noting that at no point did the King call on any of his advisers to support his claim. From this it might be thought that he had discussed it with none of them but had simply assumed that in what he saw as a traditional matter, the part he felt entitled to play would be accepted by his Council in the same spirit.

In drawing up his proposals the King made one serious miscalculation. He was right in his belief that the system he proposed to modernise was both

archaic and unjust, but wrong in thinking that any change so radical as the one he envisaged could be easily achieved. The teinds were a controversial subject. The great changes which took place in the sixteenth century not only made their administration more cumbersome, they also rendered less stable the balance between landlord and tenant of which they were an integral part.

At the time of the Reformation the temporalities (estates) of the old Church were very extensive. As part of its revenue, the Church could count on the teinds from five-sixths of all Scottish parishes. These added to its wealth, which, in terms of income, amounted to over £300,000 Sc. a year.³⁵ The upheaval caused by the Reformation brought great changes in the ownership of land; but what one writer in his recent authoritative analysis is at pains to emphasise, is that the steep price rises of the late sixteenth and early seventeenth centuries played a significant part in accelerating the transformation of what had hitherto been a feudal society.³⁶ This subinfeudation of Church lands increased during the sixteenth century. Though feuing did not affect the land holdings of the barons to the same extent, it had been their custom for centuries to grant land to dependents and kin in return for nominal rents. As a result, 'the superior had effectively alienated his entitlement to the produce of the land concerned'.³⁷ What a superior retained was his historic rights of jurisdiction, but these lost much of their power when they were no longer backed by a substantial income which the land alone could provide.

With inflation eating into his rents, it was not the superior, but the feuar, who benefited. Although agricultural prices were rising throughout the period in question, bringing with them an increase in rents, the value of such rents

depended on whether they were paid in money or in kind.³⁸

Geography paid a part in the divide. On the east coast of Scotland an arable economy dictated that rents were commonly paid in kind, but in the west a milder climate and heavier rainfall encouraged pastoral farming. The rents there were more often paid in money, and proved less flexible, in adjusting to price rises, than grain.

Even allowing for this difference, the superiors, wherever they lived, suffered more from inflation than their vassals. Recent research has shown that the feuing of Church lands led to a significant shift in wealth from superior to vassal. It also shows that among the new vassals only 3 per cent were noblemen and the remainder of lower status.³⁹ The erosion in the value of dues payable to a superior was serious, as money rents lagged behind price increases. The changes taking place in the temporalities also affected Crown lands and both suffered financially. The diminishing value of feu duties also ensured that teinds became an increasingly important element in the income of the lordships. Any reform of the system, even if its faults were acknowledged, would be resented by those who stood to lose by any change. The knowledge that the ministers would emerge as beneficiaries won no support from powerful laymen who considered them already adequately rewarded.⁴⁰

In proposing a Revocation, the King was following in his father's footsteps, but without the benefit of either James VI's knowledge or experience. Where the first acted, the second had hesitated, probably because he knew what powerful vested interest lay in the path of reform. James was also well aware of the tangled patchwork which confronted him in the shape of land dues, in

the evolution of which both the old and the new religion played an important part. Well before the great religious changes of 1560, some of the Church benefices were already held *in commendam* (trust) by laymen to whom the appropriate rents were then paid. The practice continued after the Reformation.

It had also become increasingly common in the course of the later Middle Ages for parishes to be appropriated by larger ecclesiastical institutions such as abbeys or cathedrals. By 1560, Scottish parishes numbered between 900 and 1,000; of these, only about 260 (at most) remained independent.⁴¹ The remainder were administered through ecclesiastical foundations such as bishoprics, abbeys and provostries all over the kingdom. Kelso Abbey was not unique in having about forty parish churches committed to its care. Appropriation vested the patronage of all the annexed parish churches in the ecclesiastical bodies under whose aegis they operated. With patronage went the parish churches' emoluments. As a result it was the various foundations and collegiate churches which acted as titulars of the teinds. With their lands often scattered, the titulars found it hard to collect what was due to them. This brought into being a new class of middlemen, called tacksmen of the teinds, whose profession did not make them popular.

As for the teinds themselves, they had developed since the time when first they became part of the national economy. In the beginning they consisted of the tenth part of every man's revenue in kind and constituted his annual offering or payment to the Church. Subsequently it was established that teinds were of two kinds: large teinds, made up of 10 per cent of all the sheaves gathered at the current year's harvest, and small teinds, which might vary locally. These consisted of crops like flax and hay and all garden fruit. Fish

was included. So was dairy produce, along with calves, lambs and chickens. Ostensibly the teinds went to the parish priest, but in the case of an impropriated church, the parson was, in effect, an ecclesiastical body. As a result the undivided teinds went only to the rector or parson of an independent parish. In all other parishes it was the duty of the abbey or other foundation responsible for their care to appoint a vicar or curate whose stipend would be paid out of the teinds.

At the Reformation it was Knox's intention to secure the major part of the old Church lands, other than the monastic temporalities, for their clerical successors, but lay resistance ensured that the scheme got no further than the First Book of Discipline (published in 1560). Subsequently an ordinance of Queen Mary's Council, passed in February 1561, enacted that out of the old Church's spiritualities, one-third should go to the Crown with two ends in view, namely the endowment of the new Protestant Kirk and the needs of the Treasury; the remaining two-thirds remained with their 'auld possessors', namely the bishops, abbots, rectors, vicars etc., of pre-Reformation Scotland, for as long as they lived.⁴² Thereafter they reverted to the Crown. The arrangement was odious to John Knox who stigmatised it as 'two-thirds to the Devil and one-third between God and the Devil', but advantageous to the Crown.

By the turn of the century, with many of the 'auld possessors' dead, a large part of the two-thirds was at the King's disposal. Some of it went to defray court expenses and to meet the needs imposed by government spending, but of what was left the Kirk was not the sole beneficiary. The system could lead to abuse, but, as has recently been shown, it was not exploited so cynically as

is sometimes assumed. Laymen were not made monastic commendators in pre-Reformation Scotland. Even the royal bastards of James IV and James V, who had been awarded priories when they were still children, did not consider themselves free to marry until after the old Church, with all its ecclesiastical rules, was swept away in 1560.⁴³

In 1587, when the King attained his majority, a Parliament was held in Edinburgh. Of the acts which were then passed, none was more important than the Act for the Annexation of Temporalities of Benefices to the Crown.⁴⁴ Through it the King and his ministers hoped to regain possession of what were claimed to be lands originally owned by the Crown, and subsequently alienated to the Roman Church. The Act was sweeping, demanding as it did the return to the Crown of all the lands and possessions which prior to the Reformation had belonged either to the clergy or to any ecclesiastical foundation, whether monastic or otherwise. The Act lists so many exceptions that they have prompted a suggestion that their object may have been to gain the support of those who would otherwise have opposed it. In this respect it could be compared with the 1625 Revocation, for both documents attempt to achieve a balance between the alarming scope of their demands and the care taken in the choice of exceptions.

Where the Annexation Act is concerned, the exceptions are a clear indication of the kind of reformed Kirk King James had in mind. All the Kirk lands previously created temporal lordships were to remain in the possession of those who had infeftments of them. More importantly, the Act omitted from annexation all the teinds in the land, except in cases where teinds and stock went together.⁴⁵ The same applied to all the castles and mansions of the

deposed Catholic prelates and all manses with glebes up to four acres belonging to vicars and parsons. Although properties of this kind would not be listed as 'temporalities' in sixteenth-century Scotland they were named along with teinds as 'spiritualities' of the benefices. Also excepted under King James's Act were the existing rights of lay patronage in benefices.

Although the 1587 Annexation Act marked a step forward for the King's ecclesiastical policies, it was not until 1606, at the so-called Red Parliament held in Perth, that the King achieved his real aims. As they were the same as those which would in due course be pursued by his son, a mention of them is relevant. In the statute entitled *Anent the King's Majesty's Prerogative* it was asserted that the authority of the Crown overrode all estates and causes whatsoever, ecclesiastical causes included. This paved the way for the second statute, *Anent the Restitution of the Estate of Bishops*, which restored such clerics to the rank they enjoyed before the Reformation. Henceforward the bishops' lands mentioned in the Annexation Act would be used for their benefit and thereby assist them to achieve the status King James demanded should be theirs.⁴⁶ With the lowly superintendents, who were the only ghosts of prelacy tolerated by Knox, King James's new bishops had little in common. The Perth Parliament of 1606 brought back diocesan Episcopacy, and in 1610 the Archbishop of Glasgow (then John Spottiswood) and two other Scottish prelates journeyed south to London. There they were consecrated by English bishops, thus setting the seal on an Episcopacy preserving the Apostolic succession as the state religion practised in both kingdoms.⁴⁷

Meanwhile, in spite of these clerical changes, the problem of the teinds was no nearer a solution than it had been in 1596. In that year Mr John

Lindsay of Balcarres, then Secretary of State, proposed a remedy.⁴⁸ What he sought, as others had before him, was a constant platt: an agreed plan by which the clergy would be paid not in irregular sums squeezed out of the thirds of benefices but a regular stipend raised from the teinds. These, in many ministers' opinion, had already been designated 'the proper and peculiar patrimony of the Kirk'.⁴⁹ Balcarres's scheme was never implemented, so widespread was the opposition it aroused.⁵⁰ As one commentator has pointed out, the teinds after the Reformation 'just as before were a negotiable commodity in which there could be traffic, bargaining, selling, lettings, sub-lettings, as in any other kind of property, within certain legal but often-evaded limitations'.⁵¹

In the absence of any solution the problem worsened. One reason for this was the increasing numbers of the clergy. Another was the proliferation of tacksmen and sub-tacksmen of the teinds. With so many vested interests at stake, the inefficiency of the system grew more apparent. So did the ill-feeling it aroused. The Privy Council records and proceedings in the Court of Session bear witness to the chaos both bodies sought to resolve.

When King James visited his native land in 1617, a constant platt was one of the objects he set out to secure. Among the sixty-two acts passed at the Parliament over which he presided, one of them was entitled Anent the Plantation of Kirks.⁵² Through it the King appointed a commission consisting of eight named representatives from each of the four estates. Their instructions were to produce a constant platt before Lammas (1 August) 1618. With this in view all interested parties were to appear before them.⁵³ The value of all parochial benefices would thus be established and ministers thereafter would

receive a regular stipend. The sum proposed was generous. In addition to his manse and other benefits in kind, no parish minister would be paid less than 500 merks per annum.⁵⁴ A reform on this scale would have reversed the situation described by one commentator: 'For above half a century the reformed clergy with the exception of the higher order of ecclesiastics had remained in a state of the most abject poverty.'⁵⁵

Although the 1617 act represented an imaginative attempt on the King's part to resolve a long-standing problem, it ran into immediate difficulties. The tacksmen and sub-tacksmen of teinds, who between them formed a numerous body, objected even more strongly than the Lords of Erection and the other main titulars, to what was proposed. To secure their co-operation the Crown promised an extension of their tacks, with new leases, which in some cases, stretched as far forward as the nineteenth century.⁵⁶ The offer attracted only moderate support. To the tacksmen and sub-tacksmen who at that date were in possession of 'a great proportion of the tithes', a lucrative present was more attractive than an uncertain future.⁵⁷ Their doubts were shared by the clergy. Even Spottiswood, who might have been expected to welcome the scheme, wrote despondently that the Commission's labours resulted 'in greater detriment than benefit to the Church, for what augmentation so ever was granted the same was recompensed to the givers by prorogation of their former leases for numbers of years and thereby the Church more damnified than bettered'.⁵⁸

There was another reason why the Commission was greeted with reserve. To some it appeared that its main purpose was not so much to benefit the clergy as to buy their support in securing the religious changes the King

sought.⁵⁹

After 1621 King James made no further attempt to modernise a system which brought less and less benefit to the Crown. The work of the Commission reveals some of the difficulties it encountered. Land rights, which had once lapsed on the death of the holders, by 1617 were considered to be inalienable. It also showed that within Scotland at that date there was no political pressure behind reform. Those who held the reins of power could only expect to lose more from change than from doing nothing.

With a new king on the throne the future of the Church lands once again became a matter both for speculation and concern. What struck Charles I most forcibly was the need to act. His father's intentions were clear to him, as was his failure to achieve a reform in which both believed. Like his predecessors before him, the young King felt he was within his rights in drawing up a General Revocation. This he caused to be done, as has been shown, shortly after his accession. It reached the Privy Council on 21 July 1625 couched in terms which must already have been familiar to most Council members through Gilbert Primrose.

Although the King was only six months short of his majority his right to implement a Revocation does not appear, at this stage, to have been questioned. This is understandable, for while the Council assumed the Revocation applied only to the principality, the King had his eye on the whole kingdom. The document was duly entered in the books as an Act of Council.⁶⁰ Compared to King James's Revocation, which was approved by a Convention of Estates and passed by Parliament in 1579, his son's Revocation, as it first appeared, laid considerable stress on the precedents to

which it owed its validity.⁶¹ Among those cited was a Revocation passed while a previous sovereign was in 'foreign countries'.⁶²

King Charles's insistence that the measures embodied in his Revocation differed very little from those issued by his predecessors is stressed in the lengthy Explanation he addressed to the Privy Council from Whitehall on 26 January 1626.⁶³ In it he emphasised the fact that what he did was no more than 'was formerly intended in His Majesty's dear father's time'.⁶⁴ This lends weight to the argument that the measures proposed in 1625 were initiated in the previous reign. James VI, the Explanation continues, 'did revoke what was done by his mother Queen Marie and in sundry articles of his Revocation what was done by his predecessors'. This point is one the King was careful to emphasise. He then reminded his subjects that his grandmother and all the Stuart kings since James IV had revoked what had been done in their minorities 'to the hurt of the Crown'.⁶⁵ In the stir which the Revocation provoked, one of the points made by the Privy Council was that a second version of the document they had seen on 22 July was passed under the Privy Seal, without its knowledge, on 12 October. No record of such a transaction exists in the Privy Council Register, yet in the Acts of the Parliament of 1633, where the Revocation is printed in its final form, it is stated that on 12 October 1625 the King did 'make and give forth his general Revocation under his Privy Seal'.⁶⁶ No further proof had until recently been discovered of this second version of the Revocation but a copy of it exists among the Wodrow Manuscripts.⁶⁷

Although the first (July) version of the Revocation is much shorter and less detailed than its successor of October, the claim later made by the Privy

Council that the two documents were radically different is open to question. Its members all knew, when they approved the registration of the July letter in the books of Secret Council, that in it the king revoked 'all and sundry infeftments, charters, precepts, confirmations . . . rights and securities whatsoever' granted either by him in his minority or by his father as Prince of Scotland or as father to the two princes during their minority.⁶⁸ Any grants of land or of 'offices, patronages, teinds, privileges, or others whatsoever' given by Prince Henry or by himself when they were minors, out of the principality, were also annulled.⁶⁹ The October document, owing to its length and complexity, was divided into twenty-seven numbered items. The first of these provided its readers with a clear indication of the King's intentions:

we revoke, cass ([repeal]), annul . . . all and sundry infeftments, charters, gifts, donations, alienations and dispositions, made, conveyed, signed or consented unto by us in our minority and less age, or by our late dearest father or by any other of our predecessors in their several times . . . In fee feu farm . . . of any lands, lordships . . . annexed to our Crown officers of justiciary . . . contrair unto the Acts of Annexation made thereupon or before. And where lawful dissolution of the said annexation was not made by us or our late dearest father . . . and the Three Estates of Parliament . . . we revoke, annul . . . all and sundry infeftments . . . disposed by us our late dearest father . . . of our lands annexed or our predecessors to the detriment hurt and prejudice of our third and our church and ministries thereof in our said kingdom.

Item 18 revoked:

infestments . . . of any church lands . . . except the infestments made by . . . Queen Marie and our . . . dearest father for erection and sustentation of hospitals and ministers within burghs where there is no assignations nor stipends allowed further of the thirds of benefices for sustentation of the ministers thereof and we declare that all such infestments of church lands as is before experienced falls under our revocation if the person and persons their successors to whom the same have been disposed have not answered and performed the cause and end of which the said infestments were granted.

One striking feature of the Revocation in its October form was the attention paid to detail. Under Item 14 the rents of 'Trinity College beside the burgh of Edinburgh' were specifically exempted from the Act. In the final paragraph it was also made clear that differences could still be discussed 'in the next parliament' before irrevocable decisions were made.

The choice of witnesses for such an important document is surprising. The ubiquitous Nithsdale was the first signatory. Sir James Fullerton, a Gentleman of the Bedchamber, was another.⁷⁰ The other witnesses were the Justice Clerk, Sir George Elphinstone, and Sir Robert McClelland of Bombie. The last named was a laird with a Galloway estate who may have been at court in connection with his offer to raise 150 men for service in Ireland. Bombie was one of the Commissioners for the Middle Shires.⁷¹ His presence at Whitehall in any other connection is hard to understand. Alexander Hay signed after all the others as the clerk responsible. In their subsequent meetings with the King,

his Scottish Councillors, among whom Mar and Melrose were the most prominent, expressed their grieved astonishment that a document of such importance should have been concealed from them. But was it? Although its absence from the Privy Council records is inexplicable, and would argue a desire on the part of the King to conceal its contents, his choice of witnesses points in the opposite direction. Sir George Elphinstone was a distinguished lawyer who in that capacity was also a Privy Councillor. His legal work was transacted in Edinburgh and though, for reasons which are not explained, he rarely attended Privy Council meetings and did not sit as a judge it is hard to believe that the details of the (October) Revocation were unknown to his colleagues on the Privy Council.⁷²

The Revocation of 12 October poses several questions to which we do not possess the answers. In the first place there is no explanation why such a carefully compiled document is not recorded in the Register of the Privy Seal. Nor is there any reason why the opposite is stated in Act 9 of the Parliamentary legislation for 1633.

From the reasons which have already been advanced it might be questioned whether the King's treatment of his Privy Council was quite as high-handed as tradition suggests. It might even be asked whether a grievance was not more appealing to his Councillors than implementing unpopular reforms of which they themselves were suspicious. If Napier was right in assessing Privy Councillors as 'the greatest teind masters', what the King asked of them was to promote measures from which they stood to lose rather than gain.⁷³ If a wide gulf separated the young King from his father's Councillors, the same gap existed between the political tactics of James VI and those of his son. In

proposing that the policies he had inherited from his predecessor should be pursued more actively than in the past, he did not consider that his Council had any cause to object. On the contrary, in his view the reforms he had in mind represented no more than a continuation of policies which had already proved successful in the previous reign.

This judgement, as time was to show, was not shared by his Council, a miscalculation for which only the King can be blamed. Even so, in questioning the insensitivity with which King Charles treated the administrators who alone could ensure the success of his policies, it must also be asked whether any reforms, however well-intentioned, would have met with their approval. His Council's most prominent members were already elderly men when the new reign began.⁷⁴ Public office had brought them both the honours they enjoyed and a security they were loath to jeopardise. They also valued privileges to which almost any change was likely to pose a threat. In these circumstances it is unfortunate that change is just what the King had in mind. In this he differed from his father who, in Conrad Russell's perceptive words, 'lacked the political energy of his son and was not an enthusiast for political programmes'.⁷⁵

The teind system was one of which both kings disapproved, but only King Charles insisted on its reform. In his eyes it was both inefficient and archaic. He also thought it unjust. In the letter of January 1626, in which his case for reform was put before the Privy Council, he expressed a hope that 'the said teinds may no longer be (as they have been heretofore) the cause of blood, oppressions, enmities, and of enforced dependencies and many times by untimely teinding, a means to ruin the stock to the great damage of the whole

kingdom.’⁷⁶ The letter ordered the proclamation throughout Scotland of the King’s views on the Revocation, the reform of the Court of Session and other edicts and proceedings affecting his Scottish realm. That such criticism was not unjustified is proved by the fact that in 1639 when the Covenanting regime enthusiastically reversed all the King’s religious policies for Scotland, his reform of the teinds was never questioned. Only in 1926, when the Church of Scotland Property and Endowment Act became law, did a new system take its place.⁷⁷

Although the Revocation could only prove unwelcome to a Council whose members not only stood to lose most from the changes proposed but would also be burdened with their implementation, it nevertheless attracted considerable popular support. Not only the small lairds who found the teinds an unduly harsh imposition, but the ministers who stood to gain most from their reform, were in favour of change. Even John Row, whose *History of the Kirk of Scotland* seldom finds cause to praise Charles I, records the favourable reception accorded to his Revocation: ‘the ministers of Edinburgh and other ministers of the country being informed that the King was to get in all the teinds and was to provide for greater stipends for ministers than they had, many ministers began in their sermons to enveigh against noblemen and others who would not quit their teinds being the Kirk’s patrimony and put them over into the King’s hands to be employed for the maintenance of ministers and the poor and schools and other godly uses’.⁷⁸ At the time of the King’s coronation in 1633 – in spite of the opposition it had first aroused – support for the King’s policy was sufficiently strong for the teinds to feature as one of the tableaux vivants which greeted Charles on his arrival in Edinburgh.

Sir William Drummond of Hawthornden was in charge of the arrangements and among the tableaux, or 'theatres' as they were called, which he thought appropriate, one showed a lady dressed as Ceres in a straw-coloured mantle embroidered with ears of corn. She bore a scutcheon inscribed *SUSTULIT EXUTIS VINCLIS ADSIDERA PALMAS* (having shaken off her fetters, she raised her hands to heaven), 'meaning by the King she was free of the great abuse of tithes in this country'.⁷⁹ In choosing the King's controversial legislation as a cause for celebration, Drummond reflected what he must have felt to be popular opinion. In doing so, he also echoed the views of many minor lairds, the class to which Drummond himself belonged.

Though the Revocation was a praiseworthy attempt on the King's part to modernise a system which was always inefficient and often unjust, the problems he created by doing so were more serious than he realised. The Privy Council resented what it saw as his high-handed methods. It also lacked the enthusiasm to tackle what amounted to a major administrative reform with the energy required.

The first public pronouncement Charles made concerning Scotland was contained in a letter written on 27 March 1625 and addressed to his Scottish Council. In it he asked 'that matters in that kingdom, as well concerning justice as policy, shall continue and go forth in the same course wherein they now are'.⁸⁰ This soothing message did not prepare his Councillors for the radical reforms with which, shortly after, they found themselves confronted. By the end of November they had a much clearer picture of what the King intended. The Revocation was much more sweeping than had first appeared and what Charles called 'this distinction of our Privy Council and Session' left

the Privy Council with no option but to resign some of its privileges.⁸¹

If King Charles's policy over the teinds reflected his father's aims as much as his own, the changes he proposed to make in the Court of Session may have been conceived in the same spirit. In an undated letter James VI had berated the Lord Clerk Register for failing to carry out his wishes in the matter of the Session. 'I ordained as ye heard a certain number to make a writing for reforming of the Session – no such thing meditated'.⁸² To King Charles's orderly mind, his father's intentions demanded implementation. But whereas the older man drew a sharp distinction between theory and practice, the younger inclined to look upon theories as blueprints for Crown policy.

By the time Charles turned his attention to it, the Court of Session had grown over the centuries into a prestigious body, possessed both of status and authority. Its weakness lay in a chequered past which ensured that the rights and privileges it claimed were not very clearly defined. The Session in its original form was the creation of James I rather than of John, Duke of Albany, who is sometimes claimed to be its founder.⁸³ Its first members were appointed by the king from the Three Estates. The court sat for three terms during the year but not always in the same place. As it included members of all three Estates, it had something of the character of a General Council. By 1456 the Session, though it could not yet be considered a permanent body, had built on its foundations. Its members were described as 'our counsellors, the auditors of causes and complaints . . . chosen by the Three Estates'⁸⁴ In 1457 Parliament decided that the 'Lords of the Session' should meet in Aberdeen, Perth and Edinburgh. The nine judges or auditors were made up of three members of the clergy, three barons and three burgesses.⁸⁵ They did not meet

in the winter, but at other times of the year it was found convenient for them to officiate in the court nearest to their own homes. They were not paid but 'of their own benevolence should bear their own costs'.⁸⁶

By the beginning of James III's reign the General Council which, like Parliament, included representatives of all three Estates, was assuming the character of an enlarged Privy Council, with no burgesses as members. Because there were 'Lords of Council' who sat along with auditors on the Session, the two groups acted as one. When Parliament sat it is hard to see the Session existing as an independent body. The proof that it did is demonstrated by the fact that it continued to sit even after Parliamentary business was concluded.

So long as the King's court was ambulatory, the session moved with it. The system had drawbacks. To obtain justice litigants had to follow the King and his Council round the country with no certainty that when they stopped there would be time for all cases to be heard. Between February and May 1498 the Council visited seven places, of which Inverness was the most northerly. When it returned to Edinburgh in June northern plaintiffs had to follow it south, as many cases were still outstanding.⁸⁷

In 1504 Parliament proposed that nominees of the King should form a 'continual' Council which by sitting daily would relieve the Session of a burden which posed increasing problems.⁸⁸ After the national defeat at Flodden an energetic king was replaced by his infant son. As a result government was exercised by the Privy Council and, for the first ten years of James V's reign, the Councillors were too occupied with national affairs to tamper with the machinery of justice. After 1526 the situation improved when

it was determined that some churchmen and barons, probably with judicial experience, should be invited to join the Session and sit with 'the lords of the secret Council and the Ministers of Court', who were its members.

One hindrance to reform was the country's poverty. The judges remained unpaid for their work, and out of the ordinary exchequer revenues no money could be spared for salaries. James V devised a solution. It was at his request that in 1531 Pope Clement VII issued a Bull ordering the Scottish prelates to pay £10,000 Sc. a year towards the salaries of a body of professional judges appointed to administer civil justice. Before the Bull arrived, James V put before his Council a detailed plan to modernise the system of justice. He envisaged a reformed Court of Session, in which the right claimed by a large number of lords to vote was abolished. Although all spiritual and temporal lords still had the right to attend the Session when they so wished, it was only the appointed members who would be responsible for the daily administration of justice.

On 17 May 1532, a Court of Session came into being, its structure reflecting the changes which had taken place in the country's administration since the reign of James I. All civil actions would in future be settled by a college of 'cunning and wise men', fourteen in number, of whom half were spiritual and half temporal.⁸⁹ It would have its own president and only those Members of Parliament who were on the Session could vote. Under the new rules it was in the King's power to appoint three or four Extraordinary Lords of his own choosing who were entitled to vote with the other judges. Subsequently, as will be apparent, there was no unanimity on the number allowed.⁹⁰

The Reformation inevitably brought changes to the Session. In 1560 the ties with Rome were broken and thereafter all cases which hitherto would have been referred to the Court of Rome went to the Session. In 1584 it was enacted that no beneficed clergymen could be senators. In its new form the Session ceased to be an ambulatory body, and sat only in Edinburgh. Three Sessions were held every year at fixed dates, though these were often altered.

One point which requires emphasis is that until Charles I insisted on change, the judges of the Court of Session were regarded as Councillors whose business, when engaged in Privy Council matters, was not necessarily judicial. The number of supernumerary judges or Extraordinary Lords in the King's gift was never clearly established, and such uncertainty was advantageous to the Crown. The number of Extraordinary Lords was sometimes as many as eight and by 1555, the practice was questioned.⁹¹ In 1603 in a letter to the King, the Earl of Dunfermline (then Lord Fyvie), himself a lawyer, voiced the doubts which he and others felt.⁹² In 1617 King James wrote a letter assuring the Court that in future the number of Extraordinary Lords should never be more than four.⁹³ No change was made, however, in the method by which they were appointed. The choice of candidates belonged to the King. No legal qualifications were required of them and they might be put on the bench to try a single case whenever the King so chose. This gave the Crown a useful weapon in trying contentious cases.

In one important respect the Court of Session's privileges were open to question. It was not clear in 1625 whether the judges held their places for life or at the King's pleasure, but as no previous king had questioned the legality of their tenure *ad vitam, aut culpam* (to life or dishonour), neither did they.⁹⁴

The King's view was different. What the Council saw as time-honoured tradition, the King regarded as a travesty of justice. The Court of Session, in his view, had undergone a drastic change in the years since its inception. One consequence of this was that the features claimed by its members in 1625 to be traditional were to the King a mere distortion of its original form.

As with the Revocation, both contestants claimed that history was on their side. Logically the King's case was not untenable. The Council and the Session, he pointed out, 'of themselves are distinct judicatures'. For that reason 'the former confounding of the two' was no longer acceptable. Henceforward no Sessioner was to be a Councillor, 'nor no Privy Councillor being upon the Session save only the four Extraordinary Law Lords (as they were first intended)'.⁹⁵

At his accession six out of eight State Officers sat as Ordinary Judges and out of these the Earl of Melrose, who was Secretary of State and President of the Council, also presided over the Court of Session.⁹⁶ As the judges were all Privy Councillors there was sometimes a delay in administering civil justice.⁹⁷ Of this, through Scot of Scotstarvet, the king may have been aware.

One advantage of the system was that it ensured a good attendance at Council meetings, for the law lords were obliged to devote a good part of their professional expertise to administration as well as on the bench. To the King, however, who was probably unaware of the travelling difficulties encountered by Council members grappling with the rigours of a Scottish winter, the convenience of the arrangement was less obvious than the power it conferred on a small number of his subjects. The object of the King's reforms, in his own words, was 'to free the gentry . . . from all those bands which may force

them to depend upon any other than upon us'.⁹⁸

Expressed in such simple terms, the King's proposals had much to commend them. In a society where so much power was exerted by such a small privileged group, abuses of the kind described by one contemporary were inevitable. 'The Earl of Queensberry has trapped me', wrote J. Wranger from the Tolbooth in 1634, 'and put me in prison here without any good reason but in pride'.⁹⁹ Intimidation of this sort was very much in the King's mind when he drew up the twelve propositions intended to be put before the Convention summoned in 1625.

At a later date when the Commonwealth judges of the 1650s first administered justice in Scotland, it was objected of them by one contemporary, that they were 'a pack of kinless loons' meaning that no longer would family ties ensure a bent decision in disputed cases. Hitherto the system was one in which family links rather than any evidence offered was the controlling factor. This concept of justice was one Charles was determined to eliminate.¹⁰⁰ While the King had cause to question some of the methods used by the 'great ones' to ensure the kind of justice they wanted, he does not seem to have been aware of the trouble they also took to curb excesses outside the capital. A placatory letter from Sir George Hay to Sir Duncan Campbell of Glenorchy in 1629 shows how much tact was required even from the Lord Chancellor when dealing with a powerful local magnate like Glenorchy. 'When poor people seek justice we cannot but hear them and if they be poor see them furnished with advocates and writers for trial of their cause. Yet before I will proceed so far with one Donald McO'neill I have sent him back with his petition to you to the end that you may be good to the poor body as may put him at some rest

or otherwise write to me.’¹⁰¹

The King was not alone in thinking that the Court of Session might stand in need of reform, but as one contemporary noted, change brought problems as well. In March 1626, Sir Patrick Hume of Polwarth wrote to Sir Robert Kerr giving his views:

many admire [wonder at] this great and unexpected alteration in our Session who are chief meyleneis [means] thereof; you cannot be ignorant *FELIX QUI POTUIT RERUM COGNOSCERE CAUSAS* [happy the man who understands why things happen]. Yet as good spectator as actor in such a scheme. Admit them good enough that are entered into their rooms that were before, it will be long ere they give so good proof as their cedents have done. I doubt not but His Majesty has been informed of some abuses before and thought this fittest expedient for reformation thereof; time, truth’s mother will try; *etiam magistratos virum ostendet . . .* [even office holders are human]. When His Majesty begins at the College of Justice to correct any presumption of enormities what shall be the end of laws and rebellious people?¹⁰²

Sir Patrick’s doubts were justified. The old judges had their faults but they had ensured the existence of an active Privy Council. Under the new arrangements it became so hard to keep up the attendance at Council meetings that the quorum of eight demanded by the King (his father asked for seven) was not often achieved.¹⁰³

In reforming the Court of Session, it was Charles’s intention that the

places vacated by his Privy Councillors should be filled instead by such able lairds as were thought fit to be judges. The Earl of Nithsdale was entrusted by the King with the task of explaining his scheme to those who would be its beneficiaries. This he did when he acted as the King's emissary to the Convention of 1625. The result was disappointing, for the lairds all declared publicly that 'they desired no innovation at all'.¹⁰⁴

In using the unpopular Nithsdale as an intermediary, the King did little to advance his cause. Whether a more tactful approach would have produced a different result, however, is open to question. The lairds had no incentive to accept what to the King appeared a more gracious offer than it did to them. Politically their class did not yet possess the self-assurance to act against the interests of a Privy Council whose members were outraged by the King's proposals and whose status it might be rash to challenge.

In October, just before the Convention was about to meet, the King announced his creation of an important new committee. It was entitled The Commission of the Exchequer. In a letter addressed to the Lord Chancellor he explained its purpose. In future the Treasurer would share his authority with a committee thirteen strong, of which he and his deputy would be members. Thereafter no business would be transacted unless the Lord Chancellor, the Treasurer and/or his deputy and six other members of the Commission were present. Mar's reaction to such a change was predictable. It would be seen, he wrote to the King, 'as a mark of your distrust'.¹⁰⁵ It also conferred additional powers on the Archbishop of St Andrews and the Bishop of Ross, a controversial figure on the Privy Council, to which both belonged. So did the Earls of Nithsdale and Annandale, and Sir Alexander Strachan of Thornton,

whose scandalous private life attracted the censure of the Privy Council.¹⁰⁶

As that body prepared itself for the forthcoming Convention, it can only have seen its future in a sombre light. The Revocation would bring its members a daunting administrative task, for which they would receive no thanks, while over some heads hung the King's threat to deprive them of their places as Lords of Session.

Notes

1. Sir J. Balfour, *Historical Works*, ed. J. Haig, 4 vols (Edinburgh, 1824-5), II, 115.
2. *SHR*, XIII (1916), 366-379; Walter Seton, *The Early Years of Henry Frederick, Prince of Wales and Charles, Duke of Albany, 1593-1605*. In July 1604 Dr Henry Atkins, who had been sent north to inspect the ailing child, reported to William Cecil that 'he is beginning to walk alone, which he never did before', (*Calendar of State Papers Domestic of the reign of James I (1603-1610)*), ed. Mary Green, London (1857), 128; HMC, Salisbury MSS, XVI, 163.
3. R. Carey, *Memoirs*, ed. F.H. Marks (Oxford, 1972), 69.
4. *Ibid.*, 62.
5. HMC, *M&K*, Supplement (London, 1930), 152.
6. Burnet, *History*, 13.
7. BL, Add. MSS 32464; letter No. 95, F°66V to F°67V, Sir John Holles, *Lord Haughton Letter Book 1598-1617*, to Sir John Digby, 29 June 1613.
8. BL, Add. MSS 32464, letter No. 109 F6V to F°76V, to my Lady of Harford, 23 February 1613.
9. R. Strong, *Henry Prince of Wales and England's Lost Renaissance* (London, 1988), 220.
10. E. C. Williams, *Anne of Denmark* (London, 1970), 124-5; J. Summerson, *Inigo Jones* (London, 1955), 180; The Queen's House at Greenwich was the first in the classical style to be built in England.
11. BL, Add. MSS 32464, letter No. 140, F° 84V to 86V, to Sir George Holles, 18 July 1615.
12. BL, Add. MSS 32464, letter No. 166, F° 103V to 10V, to Mr Thomas Holles, 7 January 1615.
13. Sir Benjamin Rudyerd described him as 'a prince bred up in parliaments', quoted by Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, 1992), 3.
14. *RPC*, X, 275-6.
15. *Ibid.*, XIII, 41-42.
16. *Ibid.*, XII, 7-8.

give the like sum to Dunfermline; *RPC*, XIII, 7-8.

18. HMC, *M&K*, London (1904), 109-10.
19. R. Mitchison, 'The Making of the Old Scottish Poor Law', *Past and Present*, 63 (1974) 65. In her view, what occurred was 'the most serious demographic crisis of seventeenth-century Scotland'.
20. *RPC*, 2nd series, I, Misc. Papers, 648. Those who accompanied Marischal were Sir Robert Kerr, Sir Patrick Murray, the Clerk Register and others whom Primrose did not name.
21. *Ibid.*, 648.
22. *Ibid.*, 650.
23. *Ibid.*, 650.
24. *Ibid.*, 650.
25. *Ibid.*, 650n.
26. *Ibid.*, 155.
27. *Ibid.*, 651.
28. HMC, *M&K* (1904). 133. A letter dated 25 October 1625 from J. Douglas to John, Lord Erskine.
29. *Ancram*, I, 36-7.
30. HMC, *M&K*, Supplement (1930), 218; *RPC*, XIII, 558-562. A meeting of Prince's Council 15 July 1624 at which advocates supplied the answers to the Articles proponed to them by Prince Charles. They were long and detailed.
31. Donaldson, *Scotland James V–James VII*, 296.
32. Napier, 102.
33. Burnet, *History*, I, 26.
34. HMC, *M&K* (1904), 135. A short note of what passed between His Majesty and some members of the Privy Council at Whitehall on 7 January 1626.
35. G. Donaldson, 'Accounts of the Collectors of Thirds of Benefices 1561-1572', *SHS*, 3rd series, XLII (Edinburgh, 1949), xv. In the same period (c.1562) the patrimony of the Crown amounted only to £17,500 Sc. (equal to £1,458 stg.).
36. W. Makey, *The Church of the Covenant 1637-1651. Revolution and Social Change in Scotland* (Edinburgh, 1979), 2-6.

37. Ibid., 5.
38. Ibid., 3. In a very rough estimate Dr Makey calculates that agricultural prices increased tenfold between the latter years of James V and the earlier years of Charles I.
39. M. Sanderson, 'The Feuars of Kirklands', *SHR*, vol. 52 (1973), 117-136, Table I. 29 per cent were known lairds or kinsmen of such.
40. *RPC*, 2nd series, I, cxv.
41. I. Cowan, 'The Parishes of Medieval Scotland', *Scottish Record Society* (Edinburgh, 1967), v. His estimate of impropriated parishes is 86 per cent.
42. *RPC*, I, 201-2.
43. Dom. M. Dilworth, 'The Commendator System', *The Innes Review*, (Autumn 1986), 51-72.
44. *APS*, III, 431.
45. *RPC*, 2nd series, I, cxxxiv. Infestments are the investing of a new owner with rights in possession of land.
46. *APS*, IV, 281-4; W. Foster, *The Church before the Covenants: The Church of Scotland, 1596-1638* (Edinburgh, 1975), 29-31.
47. J. Spottiswood, *The History of the Church of Scotland* (London, 1655), 514.
48. Sir W. Purves, *The Revenue of the Scottish Crown, 1681*, ed. D. Rose (Edinburgh, 1897), 8-13. Lindsay was a member of the Octavians, a group entrusted by James VI with the administration of the queen's finances. He is best remembered as the Parson of Menmure, being lay titular of an Angus parish.
49. *RPC*, 2nd series, I, cxxxiv.
50. The details are printed in Calderwood's *History*, V, 421-433.
51. *RPC*, 2nd series, I, clxii. The comment is David Masson's.
52. *APS*, Vol. IV, Act III, 531-34.
53. A further Act was passed at the Parliament of 1621 called 'Anent the Plantation of Kirks as yet Unplanted'. This was supplementary to the 1617 Act. There is no record of its implementation. *RPC*, 2nd series, I, clxxv.
54. *RPC*, 2nd series, I, clxix.

55. J. Connell, *Treatise on the Law of Scotland respecting Tithes*, 3 vols., I, Appendix, (Edinburgh, 1815); *RPC*, 2nd series, I, clxxiii.
56. Connell, *Treatise*, I, 180.
57. *Ibid.*, I, 190.
58. Spottiswood, *History*, 537.
59. Calderwood, *History*, VII, 286.
60. *RPC*, 2nd series, I, 80-82.
61. *RPC*, III, 200; *APS*, iii, 148-150.
62. This must refer to the Revocation of James V passed while the King was in France and about to marry Princess Madeleine in 1537: *APS*, ii, 357.
63. *RPC*, 2nd series, I, 227-232. Order for Proclamation in Explanation of His Majesty's motives for his Act of Revocation, etc.
64. *Ibid.*, I, 228.
65. *Ibid.*, I, 229.
66. *APS*, V, 23-27.
67. NLS, Wodrow, fo. 61.113. I am very grateful to the Revd. Dr Peter Donald for drawing my attention to this MS.
68. *RPC*, 2nd series, I, 81.
69. *Ibid.*, I, 80-82; NLS, Wodrow, fo. 61.113.
70. In a letter written on 5 October 1625 from Windsor, the Earl of Kellie reported to the Earl of Mar that it was Buckingham's intention to remove both Sir James Fullerton and Sir Robert Carr from their posts. HMC, *M&K* (1930), 234.
71. *RPC*, 2nd series, I, 193, 196-7.
72. *Ibid.*, I, viii, 222n; Two further copies of the October Revocation have survived in private archives, implying that the document was in circulation: P. Donald, *An Uncounselled King*, 18, n.55.
73. Napier, 103.
74. A point made by M. Lee in *The Road to Revolution. Scotland under Charles I, 1625-1637* (Chicago, 1985), 32-3.
75. C. Russell, *Parliament and English Politics 1621-1629* (Oxford, 1979), 9.

76. *RPC*, 2nd series, I, xlvii, 228, 232.
77. The point is made by Donaldson, *Scotland James V–James VII*, 298.
78. Row, *History*, 342.
79. SROP 33/33/17. A pamphlet entitled ‘The Entertainment of the High and Mighty Monarch, Prince Charles, King of Great Britain, France and Ireland, into his Ancient and Royal City of Edinburgh the 15th June 1633’.
80. *RPC*, 2nd series, I, 2.
81. *Ibid.*, I, 155.
82. Sir W. Purves, *Revenue of the Scottish Crown 1681*, ed. D. M. Ross (Edinburgh, 1897), xxxvii-xxxviii – quoted by J. Brown, ‘Scottish Politics 1567-1625’ in *The Reign of James VI and I*, ed. A. Smith (London, 1977), 35.
83. G. Brunton and D. Haig, *An Historical Account of the Senators of the College of Justice* (Edinburgh, 1836), xxxi; R.K. Hannay, ‘The College of Justice’, *Essays*, intro. by H. McQueen, Stair Society (Edinburgh, 1990), 182.
84. Hannay, ‘The College of Justice’, 184.
85. *Ibid.*, 184-5.
86. *APS*, II, 48.
87. Hannay, ‘The College of Justice’, 195.
88. *Ibid.*, 197; *APS*, II, 249: In Dr Hannay’s view this ‘Daily Council’ was not conceived as a rival to the session but as an aid.
89. *APS*, II, 335-6; Sir J. Scot of Scotstarvet, ‘Trew Relation of the Principal Affaires concerning the State’, ed. G. Neilson, *SHR*, XI (Glasgow 1914), 185: Sir John questioned the Court’s formal foundation; XII (1915) 176, 179. R.K. Hannay, ‘Foundations of the College of Justice’, *SHR*, XV (1918), 37.
90. *APS*, II, 335-6, 371.
91. Brunton and Haig, *Senators of the College of Justice*, xlviii; *SHR*, XI (1914). Scotstarvet, 172.
92. *Letters and papers of James VI*, Abbotsford Club (Edinburgh, 1838), 55, Lord Fyvie to James VI, 30 May 1503.
93. *APS*, ii, 335-6, 371, 424; *RPC* 2nd series. lxxxiii-lxxxviii; Hannay, ‘Foundations of the College of Justice’, 36-7.

94. P. McNeill, 'The Independence of the Scottish Judiciary', *The Juridical Review*, August 1958, Part 2, 134, 144-2.
95. The King was writing in February 1626: *RPC*, 2nd series, I, 229.
96. *Ibid.*, I, vii.
97. W. Taylor, *The Scottish Privy Council 1603-1625* (Edinburgh, 1950), 39.
98. *RPC*, 2nd series, I, 230-2.
99. SRO GD 150/3422/1-25. Letter addressed to the Earl of Morton, 16 January 1634.
100. J. Willcock, *The Great Marquess* (Edinburgh, 1903), 28.
101. SRO, GD.112/39. *Breadalbane Cal. of Letters. 1600-1669*. 23 March 1625.
102. *Ancram*, I, 41-42.
103. *RPC*, 2nd series, I, 184. The figure of eight did not include the Chancellor and other officers of state.
104. *SHR*, XI (1914); Scotstarvet, 169.
105. HMC, *M&K* (1904), 133.
106. *RPC*, 2nd series, I, 193-194.

Chapter 3

THE CONVENTION OF 1625

The first Convention to take place during the new King's reign came at a time when his Scottish subjects were grappling with Crown policies all the more disturbing in that they were still largely a matter for surmise.

The date chosen for the Convention was 27 October, seven months after the death of King James. In that comparatively short space of time much had happened in both kingdoms. As the representatives of the Three Estates made their way to Edinburgh it was, of course, the King's Scottish policies which bulked largest in their minds. At the same time the better informed among them must also have been aware of political events in the south. As these played a part in shaping the King's approach to Scottish matters, they deserve a brief mention.

On 16 June, Charles's newly-wedded wife arrived from France. She was Princess Henrietta Maria, the fifteen-year-old sister of Louis XIII. Two days later Parliament met at Westminster. Proceedings were interrupted by the plague then sweeping through the capital and on 11 July, after an acrimonious session, it was decided to adjourn the two Houses to Oxford. It was there, on 1 August, that members reassembled. Their mood was not placatory. The three-week adjournment had proved both inconvenient and expensive (it was claimed that MPs were spending collectively about £7,000 stg. a week when Parliament was sitting).¹ They were also uneasily aware that the plague they had left behind in London was present in Oxford too. They were in no mood to accede to the King's request for a further supply.²

The figures presented to them at Westminster on 8 July by Sir John Coke showed that of the subsidies voted in 1624, out of £312,000 stg. only £30,000 stg. remained. Current expenses, he then reminded them, included both the £20,000 stg. a month required to keep Count Mansfeld's army in the field and the cost of equipping a fleet. Some of the money already spent had been borrowed from the Duke of Buckingham.³ In spite of Coke's figures and the strong support voiced in both Houses for a war against Spain, the Oxford Parliament remained adamant. The King could hope for no more money, and on 12 August, he dissolved Parliament with none of his ends achieved. There was dissatisfaction on both sides. Of the money Charles required to sustain the Palatinate cause abroad and balance his books at home, he received only a fraction.⁴ The two subsidies voted him amounted to about £140,000 stg. This was less than half the money needed to equip the fleet which it was planned would attack Cadiz later in the year.⁵ Parliament's refusal to satisfy the King financially was linked to criticism of his favourite, Buckingham; 'they were resolved to pull him out of His Majesty's heart', wrote Kellie to Mar in August, 'and that he cannot endure'.⁶

To the court it cannot have seemed an opportune moment for the King to visit Scotland. The coronation, which should have added lustre to the occasion, would only increase his debts. The cost of moving a seventeenth-century court is illustrated by the fact that £200,000 Sc. had been required to cover the expense of James VI's visit to Scotland in 1617.⁷ Eighty carts were used by the advance party entrusted with the care of the royal wardrobe and luggage.⁸ When the convoy reached Fife, every parish had been obliged to supply one horse for every estimated plough of land.⁹ For the larger carts, twelve horses

were required and three for the smaller. This was a heavy burden for a poor country, dependent as it was on an agricultural economy, to bear. In the circumstances, what Charles I most needed from Scotland was money. This he could obtain without summoning a parliament requiring his presence in Edinburgh. Some of the functions of a Scottish parliament, including the levying of taxes, could be exercised by a Convention of Estates.¹⁰

This was the option he chose. In a letter to the Privy Council dated 7 September 1625, he instructed that body to summon a meeting of the Estates to 'treat and resolve upon such particulars as at their meeting shall be propounded'.¹¹ Of these 'particulars' the politically minded already had an inkling. In a letter to Sir Robert Kerr dated 14 April of the same year, the Earl of Rothes referred to 'courses as was intended which . . . did breed great grief and discontentment among the best both in place and knowledge'. 'Such', he went on, 'as was that straining of the ordinary custom of Council, decreets by particular letters which proceeded from the dilation of certain captors upon the Council, also the imposing of certain novations upon the Kirk which bred much cause of discontentment by reason of the occasion given to exercise such severity upon both churchmen and others; and the impairing of the liberties of the Nobility both in Council and Parliament'. In this field, as Rothes recalled, it had been Kerr's hope that 'when it should please God to bring His Majesty to his father's place there should be a mitigation of those extremities'. Rothes' letter is of interest, not least because it names the areas in which the Scottish nobles were most strongly opposed to the King's proposed reforms. It also shows how much opposition to them existed in the reign of James VI. His son was only endorsing policies which, in their eyes,

were already questionable. Rothes probably spoke for most of his class in deprecating any change in the workings of the Council, but what he and his fellow nobles minded even more was any encroachment on the liberties enjoyed 'both in Council and Parliament'.¹² Inevitably, in any attempt to strengthen the royal administration, what Rothes saw as liberties Charles would see as an erosion of his power.

In expressing concern over religious 'novations' which had been, or might be, imposed on the nation by the King, Rothes was voicing a widespread fear. James VI, as many knew, had died before he succeeded in imposing upon the Church of Scotland all the reforms he had in mind, but no sooner did his son succeed him than he made it clear his father's policies were not ones he intended to abandon.¹³ Common ground was not easy to find when novations were the issue, because the very word conveyed a very different meaning to the King and his critics. On 25 July 1625 an official answer was published in Edinburgh to charges that he intended to make changes in religion. It referred pointedly to the acts 'concluded at Perth and ratified in Parliament' and declared that 'such Scottish rumours ought not to be regarded as they only lead the unstable mind of the vulgar sort' to attack policies the King never intended to pursue.¹⁴

To Charles, as to his father, the situation was clear cut. The Five Articles of Perth were among the acts passed by a validly constituted General Assembly and subsequently ratified in Parliament. They were not, in the King's eyes, a cause for further discussion. This is not the light in which they appeared to his Privy Council nor to a growing body of opinion which attracted both clerical and lay support. Members of the Council were well

aware that even after they became law, opposition to the Five Articles had never lessened. Consequently, non-observance was rife. King James knew this too. In 1624 he wrote to the magistrates and Council of Edinburgh informing them that if they were not observed, he would remove the Session and Court of Justice from the town. An idle threat, according to Calderwood, and one the King had made before, forgetting that in 1590 he had carried it out.¹⁵ In January 1625 a proclamation was read at the Mercat Cross in the capital condemning the importation of seditious books from the Low Countries. One of the titles listed was *Dispute about Communicating where there was kneeling and confusion*.¹⁶

A month before the Convention met, the King published a Declaration in which he promised to execute the laws not only against Papists and Recusants, but all who remained 'not-conformers' to the Five Articles. According to one hostile witness, the Act made many people 'to have harder thoughts of the King than they had before'.¹⁷ What one contemporary emphasises is the resentment felt by godly people, when pious, conscientious 'non-conformers' (whose views, of course, he shared) were bracketed with Papists, of whom no good could be said. In addition to that, the fears expressed in Scotland over earlier plans to find a Spanish wife for Charles were revived when he married Henrietta Maria, 'our Queen now being an avoyed Jesuistical Papist'.¹⁸ Although James VI's wife, Anne of Denmark, became a Catholic, she was not one at the time of her marriage. It was rumoured that Charles I had promised concessions to his Catholic subjects as part of his marriage contract which inflamed public opinion, both in Scotland and in England, against the match. Already, at the outset of his reign, the new King was treading on dangerous

ground.

The Council responded to the King's letter of 7 September by proposing 27 October as the date for the Convention. Shortly before it opened, on 12 October, the King's Act of General Revocation of all alienated Crown properties and revenues became law, having passed the Privy Seal. Whatever prior knowledge Council members may have had of its contents, they were appalled by its scope. In it Charles I stressed his right under 'the common law and laws of our realm of Scotland' to revoke 'all and sundry infeftments, confirmations, ratifications, alienations . . . or other dispositions . . . prejudicial to the privilege and freedom of the Crown of Scotland and patrimony of the same, hurtful to the Principality thereof, and to our rents of our lands, lordships . . . pertaining to us any manner of way within our said Kingdom of Scotland.'¹⁹ In conclusion the King 'ordained and consented' that the Revocation should be registered in the appropriate books, to be ratified and approved at his next Parliament.

When the news first broke of a Revocation it did not arouse the passionate feelings it later provoked. Through Gilbert Primrose, Melrose and his confidants must have known since May that the King intended to publish an act giving details of his proposals. What they saw in July was no more than they expected as it related only to the Principality. On the other hand, the ambiguity of the Act's wording might have warned them that the King's intended reforms were not confined to the Principality. In his proposals he emphasised that he was following the example of 'our most royal progenitors in their General Revocations as well made by them within the realm of Scotland as being outwith the same in foreign countries'.²⁰ The only King

whose Revocation had been drawn up while he was abroad was James V.²¹ Its terms were not confined to the Principality, so why is it mentioned here? In the same way it might be argued that the King made a distinction between what was prejudicial to the Crown of Scotland and hurtful to the Principality. In the letter which emphasised that the Revocation was directed at the latter, there were hints that it might have a wider application. It was not unlike Charles I to pursue a somewhat devious course in his furtherance of an end not immediately apparent to others.

On this occasion the Privy Council accepted the Royal letter at its face value without demur. So matters stood till October when the King's second Act of General Revocation made it clear that the Royal reforms went far further than had first been thought.

Although there were reasons for the King's resolve, they were not immediately apparent to his Council. Unlike so many of his ancestors, Charles I did not inherit the throne while still a child. As King, his minority lasted a bare six months. Of all the Stuart kings, he was one of the few to grow up not only in a family which included two parents but in a country untroubled by civil strife. Bearing these facts in mind, the Scottish Privy Council probably did not expect the Revocation of 1625 to be other than a mild successor to its more abrasive predecessors. These earlier acts, as all Privy Councillors knew, were measures designed to recover assets lost to the Crown when royal minorities led to weak kingship. For them, times had changed since James VI came to the throne. Did his son agree with them? In attempting to determine why the King's view of a Revocation differed so much from that of the Councillors, one point deserves consideration.

The only Revocation, or Revocations (for there were more than one), of which Charles I could have had any detailed knowledge were his father's. Through King James's experiences, his son might well have reached the conclusion that what James's Council had fought so hard to secure was one of the cornerstones of his kingship. The first Revocation of King James's reign dates from 1578 when his Councillors passed an act in the boy King's name (he was eleven), revoking all pensions granted out of the surplus of the thirds of benefices. This was at Stirling Castle on 16 September.²²

In 1579 the Second Revocation was drawn up, also at Stirling Castle, on 10 August. It revoked all grants made out of the King's property during his minority. This Act of the Estates was ratified by Parliament on 20 October 1579.²³ In 1581, at Dalkeith, on 16 May, the King appeared in person before his Council and presented it with his Revocation, signed by him at Holyrood on 26 February of that year. This document which had the strength of an act till Parliament met, set out to stress some aspects of previous Revocations. It contained one clause not to be found in the Act of Parliament which ensured its ratification. This asserted that Lords of Council and Session would be held responsible should they sanction the diminution of the King's assets through the alienation of his land, rents, mail (rent) and other sources of revenue.²⁴ It proved ineffective.

In 1582, on 13 April at Stirling Castle a proclamation of the late Act of Revocation was issued, ratified in Parliament in 1581.²⁵ It stated that in spite of the Act 'little or no effect as yet has followed'. One of the reasons for this was that 'certain exceptions and new dispositions procured of his Highness since the said Revocation' had once again nullified its financial aims. In 1583

at Stirling was published on 8 November a new and more comprehensive Revocation of all gifts and grants made out of the property of the Crown.²⁶ In 1585, on 19 January at Holyrood, there was a new ratification of the Revocation of all gifts and pensions paid out of the Collectory.²⁷ The King's debts were increasing, as subjects succeeded in getting their former gifts renewed. Three months later another attempt was made to stem 'the grate diminution of his Hienes Rentes'.²⁸

In 1586 the King was approaching his twenty-first birthday and a further attempt was made to stop the constant drain on his resources. On 24 March at Holyrood, the King ordered the Lords Auditor of his Exchequer to hear the 'compt' (count) of his rents.²⁹ As a result, an updated Revocation was brought into being. It is an important document. In it the King revoked and annulled all gifts granted by Queen Mary or himself out of the thirds of benefices, collectory, superplus or common kirks, together with all tacks and assedations (the action of letting or assigning a lease) set thereof 'as well confirmed in Parliament as otherwise'. The Collector General was ordered to 'crave intromit'³⁰ with and uplift' the whole superplus and rents of the crop and year 1585.³¹ This edict brought no relief to the Treasury. At Stirling on 22 October 1586 the Privy Council records confirm that the King 'was enormelie hurte and projugeit' by unprofitable dispositions made by him and his progenitors out of the patrimony and other rents of the Crown. He claimed to exercise the privilege allowed to all minors in making several Revocations 'but his aims were divers ways impeded and hindered', largely by the giving of new grants to the importunate. Now, with his majority approaching, he made a sweeping Revocation of 'all sundry infeftments . . . and other

dispositions whatsoever of his Highness's property, casualties . . . and other things by the laws and consuetude of this realm falling under his Highness's Revocation' with all licences for transport of forbidden goods made by His Majesty or his predecessors 'in any time bygone'. He ratified the Revocation made in Parliament at Linlithgow in December 1585³² and at Holyrood on 24 March.³³

The royal policies were frustrated by a combination of past beneficiaries and new favourites. The second factor which emerges is that even when laws governing Revocations were passed they were seldom implemented.

The struggle undertaken both on James VI's behalf and by himself to regain possession of alienated Crown lands and bequests greater than the Treasury could afford went on intermittently for eight years. It was only partially successful. The speed with which Charles I addressed a problem his father had failed to solve and the importance he attached to it would suggest that he was aware of the efforts his predecessor had made with the same end in view. It was only through a Revocation that the Crown could hope to acquire the money of which it was woefully short and secure a respectable income for ministers of the reformed church. King Charles was a more enthusiastic advocate of the latter goal than his father, who saw ministers' stipends as bribes and rewards rather than dues. This lent an edge to his son's endeavour which reflected a wide difference in the two mens' approach. In the matter of the Revocation, James VI had gone as far as he felt able or was prepared to go. His son insisted that a willingness on his part to compromise would only follow on his subjects' acceptance of the principles embodied in his reforms. Whatever he knew of the problems his father had faced would

only stiffen his resolution.

The Revocation was not his only concern. Although Charles did not intend to take part in the first Convention of the new reign, he did not neglect Scottish affairs during the summer months which preceded it. Almost as soon as his father died he lent his support to the Nova Scotia Plantation scheme inaugurated by King James in 1621.³⁴ Sir William Alexander, when he was appointed hereditary Lieutenant-General of what has been described as ‘the imaginary American colony’, was a favourite with both kings.³⁵ His position at court, where he had once been attached to Prince Henry’s household, was always assured. In spite of the court connection, he retained strong links with the Council in Edinburgh. This however did not ensure the popularity of his Canadian venture.³⁶ From the outset the Nova Scotia scheme aroused opposition which came to a head, as will shortly appear, at the Convention.³⁷ In other matters besides this one, the King followed his father’s lead in promoting what he saw as Scottish business interests. In doing so, he could not count on popular approval. The Association for the Fishing, which had his strong backing when it was discussed at the Parliament of 1630, aroused Scottish suspicions that, when it was in operation, only the English would prove to be beneficiaries. Such fears were easily aroused, when Scottish interests were thought to conflict with those of its powerful neighbour.

In the proposed reform of the Edinburgh parishes, another brainchild of his father’s, the new King took a detailed interest.³⁸ When on 29 July 1625, the Lord Provost, the bailies and the Town Council of Edinburgh met the Privy Council, they had in front of them the King’s proposals, contained in eight articles. To these the Town Council had already sent its reply and received, in

return, the King's comments on what it had written.

The proposed reforms were in themselves sensible, but what worried the Lord Provost and his colleagues were the financial implications. Articles two and three were particularly disturbing. The King wanted to see Edinburgh divided into four parishes, with two ministers attached to each. He also asked that all of them should be provided with a separate manse and a stipend of 2,000 merks a year. These proposals the town knew it would find hard to meet. It only possessed three manses and its ministers were paid a mere 1,200 merks a year. The Town Council's answer to article seven provoked the King into expressing his religious views.

If, he wrote, it were true (as the Council claimed) that public meetings were held openly, as they had been ever since the Reformation, on the Tuesdays preceding the celebration of communion at which parishioners were entitled to criticise their ministers, then, in the King's words, it only showed 'what a Reformation that was and how ill-advised'. To the King such a practice was 'Anabaptical frenzy'.³⁹

One problem Charles faced, in dealing with Scottish matters, was his unawareness of Scottish poverty. To raise the money needed to pay for the proposed reforms, every house and tenement in the town, he suggested, should pay a certain annuity 'as is done here at London'.⁴⁰

In his dealings with the Church of Scotland it was also a grave handicap to the King that its liturgy, which he found distasteful, blinded him to the deeply-felt Protestant beliefs he shared with his Calvinist critics. They, for their part, saw in a King wedded to the Anglican ritual a sovereign with dangerous Popish leanings. Religion meant as much to him as to them, but the

form it took in his religious practices was alien to many Scots.

Soon after the King's accession a Mr Bamford, in a letter dated 18 April, noted that 'in some things already he runneth a contrary course to his father. He countenenceth the patriots whom his father could not abide; he will not suffer talking to him . . . in sermon time, but listeneth diligently; he hath restored a diligent preaching'.⁴¹

A few days before the Convention opened, the King made a tardy move to secure support. He wrote to two unidentified peers (he may have approached others) urging them to support the Crown policies shortly to be put before them by the Chancellor. These included 'an honourable taxation' and other measures 'which not only you but all others of judgement will easily perceive to be for your universal good'.⁴²

On 27 October the Convention, consisting of one hundred and one persons met, as tradition demanded, in the cramped quarters of the New Tolbooth. Parliament House, with its noble hammer beam ceiling (the work of John Scot, master wright to the town of Edinburgh from 1637-9) would supplant it later in the reign.⁴³ Before this change took place Edinburgh, as a capital city, was woefully short of public buildings. Before the Reformation, the Court of Session had carried on its business in the Old Tolbooth, but after 1560 it met in the New Tolbooth and in a part of St Giles. Reforming zeal having swept away all vestiges of Popery in the church, including its medieval screen, the three west bays were appropriated as an annexe to the New Tolbooth. Subsequently, walls were erected in St Giles to make three separate churches out of one. The King's call for Edinburgh to be split between four parishes made changes imperative. The prospect of a royal visit also lent urgency to the

need for a Parliament House designed to accommodate the growing numbers attending national assemblies.⁴⁴

King James's death, when it came, was sudden and the Convention which resulted from it was all the more significant because it gave the northern kingdom its first real knowledge of the policies its new sovereign intended to pursue. It also provided an opportunity for grievances to be given an airing in public. There were reasons, dating back to the previous reign, why some would seize the chance a forum provided to make their views known.

The last Parliament to meet before 1625 was held in 1621. Four years later the wounds inflicted in the course of its proceedings had not healed. The Five Articles of Perth became a cause for unremitting conflict as soon as it became known that King James was determined on their acceptance by the Church of Scotland. The General Assembly held at Perth in 1618 gave way, with reluctance, to royal pressure, but among the dissenting ministers there was a strong hope that what had been conceded so grudgingly by a divided General Assembly would be reversed by a subsequent Parliament. Fears on this score were expressed by the Archbishop of St Andrews.⁴⁵

In 1621 what the King's parliamentary opponents discovered was the Crown's power both to manipulate and decide events. In 1617, King James himself presided (for the first and last time after 1603) over a Scottish Parliament: even then the stirrings of a fast-growing opposition could be seen. On that occasion, for the first time, the constitutional right of an unspecified number of state officers to sit and vote both in Parliament and on the all-important Committee of Articles was openly questioned. Some wanted only three to enjoy the privilege, namely the Chancellor, the Treasurer, and the

Clerk of the Rolls.⁴⁶ The King effected a compromise which gave him the votes he wanted. Only eight state officers, he magnanimously conceded, should be accorded a vote and an act was passed to that effect.⁴⁷

The next Parliament, that of 1621, was dominated by King James's insistence that the Five Articles should become law. In this resolve he was ably seconded by his kinsman, the Marquis of Hamilton, whom he had chosen to act as High Commissioner. In Edinburgh he could rely on his astute Chancellor, Dunfermline, to rally the lay support he needed and John Spottiswood, Archbishop of St Andrews to discipline clerical waverers. The King achieved his end, but success was dearly bought. The use made of proxies was increasingly seen as further proof of the Crown's ruthless determination to marginalise Parliamentary opposition. The new (Extraordinary) tax bore heavily on the burghs, Edinburgh protested that the £40,000 Sc. it offered in satisfaction amounted to more than double its tax liability under the old system.⁴⁸ The worries felt in 1621 were still present in 1625. And to them another had been added. The old king, with whose methods all were familiar, was dead; to be succeeded by a son who was still, even to his Privy Council, an unknown political factor.

Superficially Charles I's state officers, on whom fell the task of stage-managing a difficult assembly, were well qualified to do so. Sir George Hay of Kinfauns, the Chancellor, was an experienced politician. A lawyer by training, his introduction to court was effected by his kinsman, Sir James Hay, later Earl of Carlisle. In 1616 he joined the Council and, in the same year, was appointed Lord Clerk Register.⁴⁹ He happened to be at court in 1622 when news came of Dunfermline's unexpected death. To this piece of luck, in

Spottiswood's opinion, he owed his promotion to the Chancellorship, though it seems more likely that he achieved it through Hamilton's patronage.⁵⁰

In 1625 both the Treasurer, the Earl of Mar, and Melrose, who was Secretary of State, were not only nominees of King James, but life-long friends. John Erskine, seventh Earl of Mar, had held office as Treasurer since 1616, but he had known the King since both were children together (Mar was the elder by four years) at Stirling. As it was Lady Mar who brought up the young James, the two boys were virtually foster-brothers. Mar was a Knight of the Garter; for a Scot, an unusual honour. On court politics he was well informed, through his kinsman, the Earl of Kellie, who was himself a full-time courtier.⁵¹ The Secretary of State was Thomas Hamilton, first Earl of Melrose and subsequently of Haddington. Unlike Mar, but like both Hay and Dunfermline, Melrose was not a scion of the old nobility, but a minor laird's son with more ambition than money. In King James's opinion, public servants drawn from this class were less likely to forget they owed their advancement solely to him than great nobles with hereditary possessions and armed followers to protect them. The knowledge he had of his mother's reign and recollections of his own early experiences would explain the view he held.⁵² Melrose was a lawyer, who, like many others of his profession, had studied some years in France. His public career stretched back to the sixteenth century. He was appointed a Lord of Session in 1592. Although he accepted his country's reformed Kirk, and indeed derived great benefits from doing so, he had no enthusiasm for church reform. He was, by some, suspected of harbouring Popish sympathies.⁵³ Though the rumours were ill-founded, he did nothing to promote a dominant Kirk nor one in which political power might

enhance the prestige King James and his son sought for their Scottish bishops. In religious matters he favoured a *modus vivendi* of which Charles I could never approve. In 1623 he argued, in a letter addressed to King James, that 'time and convenience' would prove more effective in promoting the observance of Easter 'than sudden or vehement instance'.⁵⁴

The relationship between Charles I and Melrose was never an easy one, but this had more to do with money than religion. The Revocation posed a direct threat to all nobles, and they were a powerful group on the Council, many of whose members owed part of their wealth to the acquisition of church lands. Melrose was one of them. The estates, which over the years became his, included land once belonging to the abbacy of Melrose, Temple lands round Drumcairn and elsewhere and church lands at Binning.⁵⁵

Industrious and acquisitive, Melrose neglected no opportunity of advancing his family's fortunes. In 1606 he received a grant of all minerals and metals found within the lands and baronies (seven are specified) he possessed in the sheriffdom of Linlithgow.⁵⁶ Two years later he found the money to pay Lord Lindsay of the Byres the sum of £33,333.6.8. Sc. for further land; by 1635 his gross rental amounted to £68,282 Sc. per annum. As a member of the Octavians, the short-lived body entrusted by James VI with the management of Queen Anne's finances, he was made Lord Advocate in 1595.⁵⁷ Thereafter his advancement never faltered. On the bench his formidable presence led one Highland witness, whom he had cross-examined, to warn another against the advocate 'with partridges' eyes'.⁵⁸

On the periphery of the Council could be observed a small number of ambitious young peers, among whom Rothes was the most prominent. Another

was Lord Lorne, the disgraced Earl of Argyll's heir. He had recently earned the King's approval. Between April and May 1625, while most of the state officers were attending the old king's funeral, a rebellion had broken out in Argyll. It was begun by a branch of the Macdonalds, the McLans, whose rights of proprietorship in Ardnamurchan and the neighbouring land were disputed by the Campbells. Under the auspices of Lord Carnegie, the acting President of the Council, a commission of fire and sword was issued to Lorne and Sir Rory Macleod of Harris. Within a month they inflicted a crushing defeat on the McLans. Lorne did all that was asked of him and became thereafter an increasingly prominent figure on the political stage. His success also increased his standing as a vigorous clan chief. The power struggle between Campbells and Macdonalds in the west Highlands was a central plank in the policies pursued by the Earls of Argyll.⁵⁹ In spite of his popularity in official circles, Lorne was not entitled to a seat at the Convention. His father was still alive, though forbidden by the King to return to Scotland (he never got there but died in London in 1638).⁶⁰

His father's absence had a marked effect on Lorne's early advancement. The career of the seventh Earl was a chequered one. In 1606 the Decree of Ranking recognised his precedence as hereditary Justice General by placing him second among the earls. A year later his suppression of the luckless Macgregors was rewarded by a grant of all the lands of Kintyre. From this bequest his heir, Lorne, did not stand to benefit. In 1617, when Parliament ratified the Lordship of Kintyre in Argyll's favour, the remainder went to James Campbell, his eldest son, by his second (Catholic) marriage.⁶¹ Having joined his wife's church, the Earl antagonised his Scottish contemporaries even

more by taking up arms for the King of Spain. Scot of Scotstarvet quotes what was probably popular opinion:

Now Earl of Guile and Lord Forlorn thou goes
Quitting thy prince to serve his Spanish foes
No faith in plaids, no trust in Highland trews
Chameleon-like, they change so many hues.⁶²

Like the first Earl of Buccleuch he may have been driven by his debts (which were considerable) to seek advancement as a mercenary.⁶³ Although the house of Argyll was not represented at the Convention, thirty-eight other nobles, besides state officers, were present. So was the Archbishop of St Andrews with seven bishops and twenty-nine lairds who took their places as representatives of the small barons.

The Royal Burghs were represented by twenty-one commissioners, one from each of the larger burghs with the exception of Edinburgh, which had two.⁶⁴ The state officers, headed by the Lord Chancellor and the Archbishop of St Andrews, were nearly all present. (The Justice Clerk, Sir George Elphinstone of Blythswood, did not take his seat at the Convention till 1 November. His situation is puzzling. In spite of his position he ranked neither as a state officer nor a judge in the Court of Session.⁶⁵) The officers included the recently appointed Treasurer Depute, Sir Archibald Napier, and Sir William Alexander, Master of Requests who was shortly to replace Melrose as Principal Secretary of State.⁶⁶

Proceedings opened with the reading of a letter from the King in which he expressed his intention (often to be repeated between 1625 and 1633) of visiting Scotland in the following year for his coronation.⁶⁷ He then listed his

financial liabilities. Money was required, he pointed out, to meet 'the excessive charges whereat we have continually been since the decease of our late dear father'.⁶⁸ Provision must also be made to cover the expenses of the forthcoming coronation. This was followed by a vague reference to further expenses which might be incurred through 'such designs as we have in hand both at home and abroad'.⁶⁹ His letter concluded with the hope that the Convention would respond generously to his appeal. In this he was not disappointed. The Estates 'with most willing and ready hearts' voted him unanimously an ordinary taxation of £400,000 Sc. to be paid in the customary manner by instalments.⁷⁰ It was paid at fixed terms over three years. At the same time it was agreed by the Convention to pay an extraordinary taxation amounting to 5% on all interest arising from investments. The King could not have hoped for more.⁷¹ The Estates, satisfied with a good day's work, dispersed over the weekend to meet again on Tuesday, 1 November.

What remains uncertain is how much of the money voted in tax at this time ever reached the Treasury. The problem existed before Charles I's accession, for in 1622 the Lord Treasurer, Mar, informed King James, through Archibald Primrose, of the Council's views on the best course to pursue in the collection of extraordinary taxes. Because of 'the grudging of the people' it was felt that men of honest reputation should be chosen in every parish or at least in every shire to deal with 'such persons as are known or suspected to be moneyed men and to hear and to report to the Council their offer, what they would give yearly in taxation on [illegible] of their estates'.⁷²

In 1626 taxes proved no easier to collect. In August of that year the Council wrote to David, Viscount Stormont, informing him of the King's

dissatisfaction that 'a great part of the taxation granted in August 1619 and October 1625 is as yet unpaid'. Stormont's debts included 'a part of the first and second terms taxed on the lordship of Scone and the priory of Elcho'.⁷³ How many other nobles besides Stormont were in the same situation is hard to determine, but according to one contemporary account the inability to pay taxes was not entirely due to shortage of money. Writing to William, Earl of Morton in 1626, Archibald Douglas delivered himself of the opinion that 'men are not very desirous of their money at the present as they have been in times past; for there is money, sufficient to be had upon very easy conditions'.⁷⁴

Those attending the Convention, who, in their own estimation had responded so willingly to their sovereign's demands, were ignoring one crucial fact. The money they voted was quite inadequate to meet the needs of government. By 1625 it was not even enough to meet fees and pensions, let alone cover the costs of the country's administration.⁷⁵

With a King living abroad, the costs of the Royal household were not high, but the Privy Council records for 1617 and 1633 both show how derelict the Royal palaces had become by the time a sudden need arose to put them in order. In 1628-9 ordinary Royal revenues amounted to just over £196,500 Sc., which was less than £16,500 stg.⁷⁶ This compares with the £40,000 stg. raised through the Irish ordinary revenue in 1625.⁷⁷ In Scotland the King's ordinary revenues came from many different sources and were paid into four separate accounts. Each of these was administered by a different official, but only one among them, the Treasurer, had a deputy. The latter's role, as one commentator has pointed out, was enhanced after 1603, when the King's presence in England often took the Treasurer south. His absences left an

increasing amount of work for his deputy, who remained in Edinburgh. To strengthen his position, receivers, two or three in number, were appointed by the King to help with the collection of his revenues.

At the time of Charles I's accession, there existed no permanent Exchequer. Instead, temporary Commissioners of Exchequer were appointed on a yearly basis to audit the accounts. In the absence of a permanent body, some of its functions were assumed by the Privy Council. Chief among them was supervision of the King's revenues. The work was entrusted to a sub-committee, whose members became the Commissioners of Rents.

Among the King's financial officers, it was the Comptroller who dealt with the revenues known as 'property'. Rents due on Crown lands and payments from Royal Burghs formed part of them, as did customs duties and the impost on wines. The last two made a substantial contribution to the Royal revenues.⁷⁸ It would have been more had the system not operated through middlemen, who, even if honest, were entitled to a cut. The customs were farmed out; leased to tacksman who might be a single individual or a group of merchants. The leases were often too long to bring in the best return. It was only after Traquair became Treasurer in 1636, that the practice was questioned. The impost of wines raised more money than any other item in the ordinary revenue, but like the customs it was set in tack. In 1625 the successful tacksman was William Dick of Braid, an enterprising financier with international connections. Later in the reign he will be found bidding for the customs.

The feelings aroused by taxation in 1625 were not favourable to the Crown. Most members of the Estates regarded themselves as over-taxed. They

also clung to the outdated theory that the King had no need of more money than could be found from the ordinary revenues. The extraordinary tax, which was first imposed by James VI at the Parliament of 1621, was still being questioned four years later, but was still being collected in the 1630s.⁷⁹ When first introduced, as reported by Melrose to the King, the tax was opposed by some lords. They were only induced to accept it when the King's Commissioner, Hamilton, pressed them 'to give answer directly, that they either granted or refused the act of taxation, since it was only one act'.⁸⁰ The same tactics were employed at the Parliament of 1633. Melrose's other comment applies equally to both Parliaments. The Commissioner censured 'such as had abused the toleration of private meetings of the estates with advertisement that the like would not thereafter be suffered'.⁸¹ The opposition to any form of tax is demonstrated by the Justices of East Lothian who in 1632 were asked by the Council to levy a temporary poor rate to ward off starvation; 'every contribution is odious' was their reply 'and smells of a taxation'.⁸²

In parliamentary matters, King Charles pursued the tactics which had appeared to work well in the previous reign. In doing so he did not see how fragile was the base on which his father had built his successes in 1617 and 1621. In 1623 the resentment aroused by rising taxation remained unappeased and the concern it evoked was felt by the Royal Burghs as well as the nobles and small barons.⁸³ The role of the Royal Burghs in parliamentary terms, has never been easy to assess, but at the 1625 Convention, both in the course of its proceedings and at its conclusion, they were to demonstrate a growing confidence in the political arena; to see why this was so, it is worth

considering the steps by which a small twelfth-century body called the Court of the Four Burghs became an accepted part of the Three Estates.⁸⁴

In the beginning the burghal courts concerned themselves only with burgh affairs, but as the years advanced, the scope of the burghs' activities widened. After 1326, when they played a part in one of Robert I's last parliaments, it could be claimed that 'the representatives of the Burghs formed . . . an essential part of all Parliaments and General Councils'.⁸⁵ This does not mean that their presence at all such assemblies can be proved, but what the record indicates is that from an early date burgesses were involved at a national level, particularly when finance was in question. This would account for their presence at the parliament (or *Consilium*) summoned in 1357,⁸⁶ of which the main task was to find the money required to pay David II's ransom.⁸⁷ The sum demanded was nominally £160,000 Sc. and to raise such a large amount the financial support of all Three Estates, a term first used on this occasion, was needed.⁸⁸ The Royal Burghs were represented at General Councils as well as in Parliament; in both situations, though their presence was not automatic, their position was nevertheless secure.

This raises the question of what difference there was between General Councils and Parliaments. The answer is not altogether clear, partly because finance in Scotland, unlike England, was never a function peculiar to Parliament.⁸⁹ Consequently in this field, the two institutions were not dissimilar. At the same time, by the sixteenth century it became clear that General Councils, or Conventions, as their successors were called, fulfilled the role of a quasi-Parliamentary body. Even so, in 1587 the Clerk Register was still uncertain whether acts passed by a General Council had the validity of

acts of Parliament.⁹⁰

As the Third Estate had no power in Parliament other than to withhold its assent to national taxes it seems logical to assume that the Council or Convention meetings at which the attendance of burgh commissioners can be proved were nearly always concerned with taxation. Although it was through taxation that the Third Estate first achieved national status, by the sixteenth century it was accepted, albeit tacitly, that its role had changed. From then on it was felt increasingly that a Convention without burgesses did not possess the moral authority of a Convention of Estates. In spite of this their Parliamentary status, in theory if not in practice, remained questionable. It could be argued that this arose partly from the fact that until the mid-seventeenth century taxation in Scotland was based on the principle that it was only the possession of land on which the presence of members of Parliament was based. This accounted for the attendance there of the First and Second Estates but not of the Third, though it could be argued that technically its position was determined by the fact that the Royal Burghs were corporate tenants-in-chief.

This corporate status is sometimes advanced as a reason why the burgesses were accepted as part of Parliament, but the argument is not wholly convincing. The Episcopal burghs were also represented in Parliament and their presence there was accepted by the Royal Burghs. When it is remembered how jealous the latter were of their privileges it reinforces the argument that the Third Estate found itself in Parliament not so much for its constitutional standing as its willingness to accept part of the tax burden.

In England a sprawling intermediate class made up of country gentlemen and merchants sat together in Parliament with some interests in common, but

in Scotland this did not happen. Only a national crisis on the scale of the Reformation brought the two groups together. At other times their paths tended to diverge, for while the lairds stuck by their chiefs and formed family alliances, the burgesses, at least in central politics, pursued an independent and quite often apolitical course. This, however, was not always so. At some of their meetings decisions were taken on the corporate policy to pursue in Parliament.

One reason that the Third Estate was to be found on the fringes rather than at the centre of Scottish parliamentary life, is that in the Convention of Royal Burghs it already possessed a parliament of its own. This body exercised legislative as well as judicial authority over matters involving burghal interests. Foremost among these was a monopoly on trade. Under its leadership, many different causes were pursued. The organisation of the Staple Port at Campvere in the Netherlands was a constant preoccupation and any attempt on the part of a hitherto 'unfree town' to acquire the status of a Royal Burgh was actively resisted.⁹¹ The amount of business transacted by the Convention of Royal Burghs can be gauged by the number of times it met. A General Convention was held annually, but in the intervals between these more formal occasions, particular conventions were held quite frequently, in different places.

Between 1552, when the minutes of recorded Conventions begin, and the Union of 1707, Parliament met eighty times and Conventions of Estate, fifty-nine. During the same period (but omitting the years between 1631 and 1649 for which no records exist), the Convention of Royal Burghs met on more than three hundred occasions.⁹² The commissioners chosen to represent the different burghs were all 'in-dwelling and burden-bearing' merchants and very

often the same delegates were chosen to attend both the Burghs' Convention and Parliament. To save expense, it was a habit of the burghs to hold their conventions not only in the same place as Parliament, but often on the same day. This leads to some confusion in disentangling the two bodies, particularly when the same men belonged to both.

Although fines were levied under James VI to induce a better attendance on the part of those burgh commissioners who were members of parliament, some proved reluctant to take their places at national assemblies. Apart from the expense, there was very little for them to do. Until the seventeenth century, the whole Estates were required only 'on the riding days of the Parliament, that is the first and last days thereof' but played no part in formulating policy at the intervening Sessions.⁹³ In 1621 it was accepted as a principle, that the larger burghs should send one representative each to Parliament. All except Edinburgh, which might send two.⁹⁴ On the evidence available it appears that the Convention of Royal Burghs enjoyed the prestige associated with an historic name and played a reasonably active part in promoting burgh interests. How far this activity went in the field of Parliamentary business is less easy to establish.

The meetings of the Convention, as we have seen, were timed either to coincide with Parliament or to take place shortly before. This suggests that the Convention was used by its members as a forum in which parliamentary policies, where they affected the Burghs, might be discussed. Although this may have happened, the records of the Royal Burghs fail to reveal any clear pattern.

In 1621, when Parliament was about to meet, at a time when the Five

Articles of Perth were a bone of contention and rising taxation increasingly resented, the Convention of Royal Burghs wanted only one matter to be raised in Parliament. This was the 'great hurt sustained by burghs through the great and daily increase of the burghs of barony usurping their liberties to their ruin and overthrow'. In 1623, at a General Convention held at Dundee, they voiced grievances which included the Crown's support for monopolies. This is an area where burgh interests conflicted with Treasury needs. In many cases the Crown could expect a better financial return from an enterprising monopoly holder than from the burghs.⁹⁵

What emerges from the study of Burgh history is that it was finance which involved them in national politics. As long as they were asked for no more than their traditional contribution by payment of a farm (rent) to the King, they were content to leave national politics alone. It is only when the Crown's need for revenue drove both James VI and his son to adopt tougher financial policies that they saw themselves threatened. Monopolies and the extraordinary tax levied on annual rents were deeply unpopular. Such grievances encouraged the burghs to turn away from the King, and look instead for redress through Parliament. This development could be seen as forming part of one of the two conflicting movements which gathered pace as the new reign developed. When it became clear that it was the King's policy to encourage the adoption in Scotland of measures affecting both church and state, which he believed were proving successful in England, the Scottish reaction was a growing belief that Conventions and Parliaments were the vehicle through which an organised opposition could prove most effective.

If the Burgh commissioners came to the 1625 convention in a wary mood,

it was shared by the other Estates. The apparent docility with which the Convention approved taxes, including the unpopular extraordinary taxation, on its first day of sitting, has already been noted.⁹⁶ It is no indication of the fears members felt. These were not allayed by a warrant from the King, informing the Privy Council that the Court of Session's next meeting was to be postponed until 29 November. This showed, as some members already suspected, that change was in the air.

On Tuesday 1 November, the Convention came together for a second sitting. It opened with a reading by the Chancellor, Sir George Hay, of a letter from the King.⁹⁷ In it he informed the Estates that Hay was in receipt of 'certain articles' which His Majesty wished them to accept.⁹⁸ Before these were discussed, however, he made them an offer to commute all the taxes already voted (leaving only enough money to cover the coronation) in return for the services of 2,000 men, with the appropriate shipping, for three years. This was intended to ensure the defence of the kingdom. The Estates were horrified: 'the known poverty of the country by the calamity of some hard years' was sufficient reason to refuse.⁹⁹

Of the Articles, twelve in number, their interest lies in the light they throw both on the King's view of Scotland at the beginning of his reign and his Scottish subjects' view of themselves. Before the Convention broke up, the King had written it six letters, the second of which listed the Articles. Considerable thought went into them and some centred on problems already highlighted in the Privy Council records. In Articles One and Two, rules were imposed on the import/export of grain and a demand made for the erection of public granaries. Starvation was a real fear in the 1620s.¹⁰⁰ Number Three

urged an increase in the store of shipping, and shows that the King shared his subjects' fear of invasion. Number Four, which aimed to impose a duty of forty-eight shillings Sc. per ton on coal exported in foreign ships, was controversial. A strong lobby of coal-owners ensured its rejection. Number Five backed up James VI's previous attempts to encourage the home manufacture of wool. The next six Articles all dealt with bribery and corruption.

What they reveal very clearly is the King's dissatisfaction with the power some 'great ones' possessed to manipulate the legal system and buy themselves state offices. In future it was to be forbidden for armed retainers to accompany their masters either to Privy Council meetings or the Court of Session. Plaintiffs would no longer be allowed to plead their cause privately before judges 'for it is a grite wrong that a judge sould scarfe haif tyme gevin him in ane morneing to use his divocioun for importunate sollicitouris'.¹⁰¹

In a passage that is often quoted, Charles urged the judges not to attend the Court or Session 'but on a horse with a foot-cloth'.¹⁰² No adviser apparently warned him how steep and slippery were the causeways of the 'goode towne', nor how low the closes (passages).¹⁰³

The last Article of all strove to keep rich merchants in business, rather than indulge in usury. In another letter the King urged the Estates to secure the return of all Papist children sent to schools abroad and to enforce the laws already passed against Jesuits and other priests. To this plea the Estates responded enthusiastically.¹⁰⁴ They felt differently about the Twelve Articles. Answers to them were given on the third and last day of the Convention when some were referred to the Privy Council or to a future parliament. Others, they

found, were covered by laws and acts already in operation. How far these were enforced, is not clear. In their reply to the King, the Estates went no further than to say that the rules, where they existed, would be put into execution. Proposition Eight, which excluded all but advocates and agents from appearing before the Lords of Session with their patrons, aroused their dissent. It was an education, they argued, for the nobles and 'barons of good sort' to attend the Session.¹⁰⁵ It may be the King's disapproval of armed followers was seen as an attack on the clan solidarity to which all Scottish nobles subscribed.

In three further letters, the King drew attention to problems he saw as urgently in need of redress. In the first he called on the Convention to ensure that the country was capable of repulsing a possible invasion. In the second he drew attention to the economic dangers of allowing the export and consequent shortage of money. His proposal was for an increase in the stock of coin. The Estates found the situation just as worrying as he did, but efforts to improve it, as the Privy Council records show, were inadequate. The solution proposed was to enforce acts already in being and give orders to the Master of the Mint House that he should take no other satisfaction for bullion, but the bullion itself in foreign money.¹⁰⁶ The King's third letter, which was very detailed, called for a drastic overhaul of the Poor Laws. To ensure that action was taken he asked for a proclamation to go out in the form of an Act of Convention ordering all those responsible to enforce acts of Parliament which were currently neglected. The picture he drew was of a country infested with beggars. No provision was made either for curbing idle vagabonds or providing houses and work for the very poor.¹⁰⁷ Several reforms were proposed. These the Estates found desirable and remitted to the Council.

It was on the last day of the Convention that all three Estates demonstrated a growth in the independent spirit of which signs were apparent at the two previous Parliaments. In 1625 solidarity lent power to their arguments. To the King's proposal that the value of coin should be raised they replied that such an important decision should be entrusted to a committee. This would consist of no less than four nobles, two bishops, four lairds and the same number of burgh commissioners. Among those chosen some were to play an active part in subsequent affairs, namely Rothes, Balmerino, Carnegy and Traquair. None of them were courtiers. The choice of such members for such an important committee reflects the Convention's growing self-esteem and confidence in its own ability to act as a single body. A unanimous vote lent support to the lairds and burghs in their petition that no change should be made in the composition of the Court of Session without the advice of a Parliament. To the King, this cannot have been a welcome stand, as it was the very people objecting to his reform (the lairds), whom he intended to be its beneficiaries.

On two other matters the Convention took a boldly independent line. The small barons and burghs put forward another petition protesting at the precedence accorded to the new-fangled Order of Nova Scotia Baronets. They asked for the honour to be suspended till such time as the Plantation was in being. Sir William Alexander, as its chief undertaker, accused his critics of bringing the King's royal prerogative into question. This raised a constitutional issue, but after a debate, by a majority of votes, the petition was approved.¹⁰⁸ The small barons joined the burghs again in asking for a modification of the tax on annual rents (they were unsuccessful) and followed this up with a request that the abuses practised in their collection should be reported to the

Council.

The last arrow of the Session was directed at Sir John Scot of Scotstarvet, who was accused of overcharging on the fees to which he was entitled as Director of Chancery. On this defiant note the convention came to the end of its proceedings.¹⁰⁹

What conclusions can be reached from a study of the first real dialogue to take place between the King and his Scottish subjects? The first is that government, since the old king had died, was more remote. The young King's twelve proposals were clearly put together at court. This is not to disparage the great attention they paid to detail and applies particularly to those dealing with the Poor Law and the coinage. The proceedings show a marked contrast between an impatient King demanding reforms and change, and a cautious Convention acutely aware of conflicting interests. In a letter he wrote to Annandale on 28 November, Nithsdale reported that 'the leading men' were all opposed to the King's policies.¹¹⁰ The dispute over Nova Scotia baronets and a proposed reform of the Court of Session shows a widening gulf between Whitehall and Edinburgh. In the matter of the Session the King's goal deserves more support than it is usually accorded. His scheme was more liberal than the one it was intended to supersede and offered advancement to a wider circle of applicants.

The tax on annual rents still faced stiff opposition. When members of the Council came south to court two months later, it would be seen how disappointed was the King in proceedings at the Convention, though this was not his first reaction.¹¹¹ It would also be seen that the Council was in substantial agreement with the Estates.

Notes

1. Russell, *Parliament and English Politics*, 257.
2. K. Sharpe, *The Personal Rule of Charles I* (Yale University Press, 1992), 8-10. Inflation exacerbated the problem of supply. A subsidy worth £70,000 stg. in Elizabeth's reign was worth £50,000 stg. in the 1620s.
3. R. Lockyer, *Buckingham, The Life and Political Career of George Villiers, 1st Duke of Buckingham 1592-1628*, (London, 1981), 263.
4. In a letter from Kellie to Mar, dated 11 March 1624, Kellie wrote that the Palatinate struggle had already cost the king £600,000 stg. HMC, *M&K* (1930), 196.
5. B. Whitelock, *Memorials of English Affairs 1682*, London (1853), 3-4; Russell, *Parliament and English Politics*. Russell and Sharpe's studies of Charles I's personal rule shed two different lights on that King's endeavours.
6. HMC, *M&K* (1930), 282.
7. R.S. Rait, *The Parliaments of Scotland* (Glasgow, 1924), 493-4; *RPC*, XI, 147, gives the figure as 100,000 merks.
8. *RPC*, XI, xviii.
9. *Ibid.*, XI, 147. A plough of land was fifteen Scots or twenty English acres.
10. Rait, *Parliaments of Scotland*, 145.
11. *RPC*, 2nd series, I, 132-3.
12. *Ancram*, I, 36-7.
13. In 1619 at a religious conference held at St Andrews, 22-25 November, King James, through Lord Scone, who presided over it, demanded acceptance of the Five Articles. He threatened that if too many ministers resigned over them, they would be replaced by members of the English clergy: *RPC*, XII, 124n; Calderwood, *History*, VII, 377-81.
14. NLS, Wodrow, 22.3.6; John Ford, 'Conformity in Conscience. The structure of the Perth Articles Debate in Scotland 1618-38', *Journal of Ecclesiastical History*, 46, April 1995, 256-77.
15. Calderwood, *History*, VII, 621; *RPC*, IV, 39.
16. *Ibid.*, VII, 629.
17. Row, *History*, 340.

18. Ibid., 340. On 8 July 1623 Prince Charles wrote to the Pope about the Spanish match: 'I would not endeavour so earnestly to unite myself in the indissoluble bond of matrimony with one to whose religion I stood ill-affected.' HMC, Salisbury MSS, XXII, 1612-1668, 179.
19. NLS, Wodrow, 22.3.6; *RPC*, 2nd series, I, 81.
20. *RPC*, 2nd Series, I, 81.
21. James V's Act of Revocation was made at Rouen, 1537, and confirmed by Parliament in 1540; *APS*, III, 357-8.
22. *RPC*, III, 29-31.
23. *APS*, III, 148-50.
24. *RPC*, III, 384-6.
25. *APS*, III, 242-5.
26. *RPC*, III, 609-10.
27. Ibid., III, 717.
28. Ibid., III, 743.
29. Ibid., IV, 58.
30. Ibid., IV, 59. Intromit: to handle funds or property with or without legal authority.
31. Ibid., IV, 58-9.
32. *APS*, III, 382.
33. *RPC*, IV, 109-10.
34. Ibid., XII, 720-2; *Royal Letters, Charters, Tracts, relating to the Colonisation of New Scotland and the Institution of the Order of Knight Baronets of Nova Scotia 1621-38*, ed. D. Laing, Bannatyne Club (Edinburgh, 1857), 24.
35. *RPC*, 2nd series, I, xvii-xviii: Nova Scotia represented one of the most munificent gifts ever made by any king to a subject. The land allotted to Sir William ran from New England to Nova Scotia and included New York. Long Island was called Stirling Island; T. McGrail, *Sir William Alexander, First Earl of Stirling* (Edinburgh, 1940), 80-2.
36. Sir William made a Privy Councillor (Scotland) in 1615, a Lord of the Articles 1621, Secretary of State 1626: *The Earl of Stirling's Register of Royal Letters Relative to the Affairs of Scotland and Nova Scotia from 1615 to 1635*, ed. C. Rogers, 2 vols. (Edinburgh, 1885), I, xi.3. *APS*, IV, 525-94. *RPC*, 2nd series, I, 232-3.

37. Sir William Alexander was created Earl of Stirling, 1633. The Nova Scotia venture cost him money which the Crown never repaid. His granddaughters were still claiming £10,000 stg. was owing to them in 1660. *Calendar of State Papers, Colonial (1574-1660)*, ed. W. Sainsbury, 31 vols., (London, 1860), 152, 488-9, 493.
38. *RPC*, 2nd series, I, 101-8.
39. *Ibid.*, 2nd series, I, 105.
40. *Ibid.*, 2nd series, I, 103.
41. NLS, Wodrow, fo. 42, no. 88.
42. NLS, Denmilne, XI, (62) 33.1.1. Both letters were written from Salisbury on 22 October 1625, a late date on which to pen such an appeal. One was addressed to an earl, the other to a lord.
43. 'Edinburgh', *The Buildings of Scotland*, ed. C. McWilliam et al., (Frome & London, 1984), 121-3. The cost to Edinburgh was £127,000 Sc.
44. G. Donaldson, *Scotland. The Making of the Kingdom. James V–James VII* (Edinburgh, 1965), 284; 'Edinburgh' in McWilliam et al., *The Buildings of Scotland*, 103-18; Moray Papers, Box 14, Letter No 353: St Giles was where the hangman dressed and kept the instruments of execution, including the gibbet.
45. Spottiswood, *History*, 542.
46. Spottiswood, *History*, 531. The Clerk of the Rolls was also Clerk Register.
47. *APS*, IV, 527.
48. *RPC*, XII, 590; J. Goodare, 'The Scottish Parliament of 1621', *Historical Journal*, 38 (1995), 29-51.
49. *RPC*, X, 604.
50. Spottiswood, *History*, 543: He was inducted into office on 25 July 1622; *RPC*, XIII, 22-4.
51. King James appointed Kellie Captain of the Yeomen of the Guard and Groom of the Stole. He was a member of the English as well as the Scottish Privy Council: *SP*, V, 85.
52. HMC, Salisbury MSS, III, 57: Fontenoy to Mary Queen of Scots, 15 August 1584 from Edinburgh, commenting on undisciplined nobles over whom the Crown had lost control.

53. Calderwood, *History*, V, 511, 549; *Memorials of the Earls of Haddington*, ed. Sir W. Fraser, 2 vols. (Edinburgh, 1889) I, 65.
54. *Haddington Memorials*, ed. Sir W. Fraser, I, 149.
55. *Ibid.*, I, 160.
56. *Ibid.*, I, 162.
57. Donaldson, *Scotland James V-James VII*, 217.
58. W. Forbes, *Preface to Collection of Decisions*.
59. *RPC*, 2nd series, I, ix, x, xv, 19, 39-40, 42-3, 109-10.
60. NLS MS 79, fo. 13.
61. *SP*, I, 346-51. HMC, *M&K* (1904), 126.
62. Rogers (ed.), *Staggering State of Scottish Statesmen*, 40n. A. Craig was the author of the poem.
63. *The Scotts of Buccleuch*, ed. Sir W. Fraser, 2 vols. (Edinburgh 1878), I, 253: The first Earl of Buccleuch raised 150-80 men in 1627 for the service of the States General; *SP*, I, 348-9, II, 234; K.M. Brown, 'Aristocratic Finances and the Origins of the Scottish Revolution', *English Historical Review*, CIV, January 1989, 46-87.
64. *The Records of the Burgh of Edinburgh*, ed. M. Wood, (Edinburgh, 1931), II, 1604-16, 26, 89.
65. *RPC*, 2nd series, I, viii. He had been admitted to the Privy Council in March 1624 but attended no meetings that year.
66. *Stirling's Register*, I, 75, King to Vice Chancellor, 28 January 1626: Sir William Alexander appointed Chief Secretary at Court; *RPC*, 2nd series, I, 233n.
67. *Stirling's Register*, I, 35, King to John Auchmoutie, master of the King's wardrobe in Scotland, 13 April 1625. In view of the King's impending visit, Auchmoutie was to ensure that any of the King's household goods which might be in other hands be returned.
68. *RPC*, 2nd series, I, 151.
69. *Ibid.*, I, 151.
70. *Ibid.*, I, 151-2.
71. *APS*, V, 170-4. Extraordinary taxation was payable over four years.
72. SRO GD 124/10/229, Copy of Instructions by Treasurer Mar to deliver to King, 22 April 1622.

73. HMC, Laing MSS (72), University of Edinburgh, I, 182-3: The lordship of Scone was erected for David Murray, Lord Scone and Viscount Stormont, in 1606 after the final forfeiture of the Gowrie family; *RPC*, 2nd series, I, cxlvi; *Stirling's Register*, I, 21, King to Nithsdale 20 February 1626.
74. SRO GD, 150, 3442/7, Letters to William, Earl of Morton, 1606-32. No. 7 written by Archibald Douglas, November 1626.
75. D. Stevenson, *The Scottish Revolution 1637-1644* (Newton Abbot, 1973), 41.
76. W. Purves, *The Revenue of the Scottish Crown*, xlv-xiv, Ch. 2, n.48.
77. D. Stevenson, 'The King's Scottish Revenues and the Covenanters 1625-1651', *Historical Journal*, xvii (1974), 18.
78. *RPC*, 2nd series, I, 654-5. The importance of customs and the wine impost is demonstrated by the fact that when the Chancellor, Hay, surrendered the lease of Orkney to the King in 1625, £10,000 Sc. (£833 stg.) out of the £13,000 Sc. (£1,083 stg.) he was paid came from these two taxes.
79. J. Wormald, 'Court, Kirk and Community 1470-1625', *The New History of Scotland* (London, 1981), 161: In 1627 and 1628 the Council commented on the difficulty of collecting tax. Many 'were rebels for the taxation'; *RPC*, 2nd series, II, 427, III, 204. The tax was an innovation of Melrose's: *Melrose Papers*, II, 394-5.
80. *Ibid.*, II, 426.
81. *Ibid.*, II, 427.
82. *RPC*, XIII, 834-6, quoted by T.C. Smout, *A History of the Scottish People* (London, 1969), 92.
83. *Records of the Convention of the Royal Burghs of Scotland*, ed. J.D. Marwick (Edinburgh, 1870-1915), 8 vols., III (1615-76), 217-19.
84. *Ibid.*, I (1295-1597), v-vi: The Four Burghs were Roxburgh, Berwick, Edinburgh and Stirling; they were governed by a code of regulations entitled *Leges Quatuor Burgorum*.
85. *APS*, I, introduction, 6, 8; Rait, *Parliaments of Scotland*, 18.
86. R.K. Hannay, 'The College of Justice', *Essays*, intro. by H. McQueen, Stair Society (Edinburgh, 1990), 218: According to Hannay, 1357 was a *Consilium* but not a parliament.
87. Rait, *Parliaments of Scotland*, 21: David II was captured by the English at the Battle of Neville's Cross in 1346.

88. J. Goodare, 'The Estates in the Scottish Parliament 1286-1707', *The Scots and Parliament*, ed. C. Jones (Edinburgh, 1996), 13.
89. Jones (ed.), *The Scots and Parliament*, 13; R.K. Hannay, 'The College of Justice', 228.
90. R.K. Hannay, 'The College of Justice', 221.
91. Marwick (ed.), *Records of the Conventions*, III (1615-1676), 300.
92. Ibid., I (1295-1597), x-xi, xxi-xxxi, II (1597-1614), ix-xxvii, III (1615-1676) ix-xiii, IV (1677-1711), xi-xiv.
93. Ibid., I (1295-1597), ix.
94. Wood (ed.), *Records of Edinburgh*, II (1604-26), 89.
95. Marwick (ed.), *Records of the Convention*, III (1615-1676), 115-6, 141-3.
96. *APS*, V, 167-70.
97. *RPC*, 2nd series, I, 154-8.
98. *APS*, V, 175-6.
99. *RPC*, 2nd series, I, 155.
100. R. Mitchison, 'The Making of the Old Scottish Poor Law', *Past and Present*, No. 63, 1974, p. 65; *Comparative Aspects of Scottish and Irish Economic and Social History 1600-1900*, ed. L.M. Cullin and T.C. Smout, (Edinburgh, n.d.); T.C. Smout, 'Famine and Famine-Relief in Scotland', 21-33.
101. *RPC*, 2nd series, I, 177.
102. Ibid., I, 156.
103. Ibid., I, 156.
104. Ibid., I, 157-8.
105. Ibid., I, 172.
106. Ibid., I, 171.
107. Ibid., I, 160.
108. HMC, various colls. (5) MSS of Sir Archibald Edmonstone of Duntreath, 119-20. A protest by members of the English nobility against the Nova Scotia Order of Baronets.
109. *RPC*, 2nd series, I, 180.

110. *Melrose Papers*, II, 593.
111. HMC, *M&K*, Supplement (1930) 236, Earl of Kellie to Earl of Mar 7 November 1625: King Charles 'wonderful well pleased' by Convention.

Chapter 4

OCHILTREE AND THE MERCENARY CONNECTION, 1625–31

After the Convention broke up and its members returned to their scattered dwellings it was left to the Privy Council to deal with royal policies which, as events at the Convention had already shown, the King expected to see implemented. One of the Council's first concerns related to money. At a meeting held on 29 November 1625 a long list was submitted naming those persons to whom pensions had been given at different times. Nearly all of them dated from the previous reign but of the total number, twenty-two recipients appeared in person to give details of why the sums they claimed had been originally granted.¹ From the facts they supplied can be seen what a burden, in financial terms, King Charles had inherited from his father. The £200 stg. to which Sir Gideon Murray's sons were entitled annually, was King James's reward for the services rendered to him by their father. In this context, 'services' probably meant the debts incurred by the late Sir Gideon when acting as Treasurer Depute. The pension awarded by the same king to Dame Marjorie Shaw did not lapse at her death, but devolved thereafter on her son.

Apart from the financial obligations bequeathed to him by his father, Charles had incurred debts of his own. Lady Ochiltree was entitled to 700 merks a year for carrying out the duties of nurse to the then Prince Charles during the first two and a half years of his life. One payment illustrates the conflicting priorities of two different exchequers. Lewis Somerville had been granted £300 stg. annually out of the English Exchequer but as that body denied any obligation it fell to its Scottish counterpart to honour the debt.²

The misgivings about pensions expressed by James VI's Treasurer were shared by his successor for as he knew, nearly half the cost of government, at the beginning of the new reign, was made up of pensions to courtiers and leading government officials.³ Although there was a surplus of income over expenditure in 1625, it was less than in the previous years.⁴ The Scottish economy was vulnerable to pressures imposed on it by changes in the King's foreign policy. Involvement in the Thirty Years War and the loss of trade after 1626 brought about by the war with France were factors over which the Scottish administration exercised no control.

Political currents in mainland Europe were factors which also played a part in destabilising the Scottish economy. By 1626 there was a shortage of bullion and a diminishing amount of silver and gold was coming in from the New World. This led to price instability. The Thirty Years War drove the German states to devalue and tamper with their coinage. Meanwhile inflation, which was still imperfectly understood, was rampant throughout the Holy Roman Empire in the 1620s.⁵ Of these problems the Council was well aware but in the aftermath of the 1625 Convention, the King's Revocation and changes affecting the Court of Session were matters of even greater concern.⁶

On 17 November its members wrote to the King. They claimed that none of them had yet seen the General Revocation, and it was a fear universally apprehended that it applied not only to the principality, as had first been supposed, but to the whole kingdom. As they saw it, 'the gain shall not prove answerable to the overture'.⁷ The secrecy surrounding the Revocation was a justifiable grievance but by the time this letter was written – mid-November – the Privy Council's leading members must have known what the document

contained.

In their letter the Councillors touched on other matters besides the Revocation. They were alarmed by the newly-formed Commissions of the Exchequer and of Grievances. The latter was a recreation of the body originally set up by James VI, but under his son its powers were extended. This provoked a fear that it might prove to be a form of Scottish Star Chamber. As it turned out the King did not promote it actively and it quickly 'evanished' but there remained an unease about any committee which might impinge on the judiciary.⁸ In writing, the Chancellor emphasised that there was 'no seen necessity for change'. Some of the King's proposals, which had already been discussed at the Convention, were judged to be unlawful. The Councillors' last grievance concerned Sir Alexander Strachan of Thornton, one of the newly created Nova Scotia baronets, whom the King proposed to appoint a member both of the Council and of the High Commission. In the Council's opinion, as a man 'spotted with so many foul and just imputations' he deserved no such advancement.⁹

In presenting its case, the Council asked the King for permission to send some of its number south to explain its doubts more fully. To this request Charles responded favourably and in January 1626 he summoned some of its members to Whitehall. Leaving the Earl of Winton behind in Edinburgh to act as President of the Council, with Napier as convenor of meetings, the Chancellor and a small group went south. They stayed in London for more than a month, during which time a number of Council meetings were held. These proved both lengthy and at times acrimonious.

The first Council meeting took place on 7 January. The King, after

expressing his thanks for the taxation the Convention had so willingly approved, 'marvelled' at the animosity the Revocation had aroused. In the discussion which followed, the Chancellor, Hay, explained how knowledge of it had first reached Scotland. On the King's instructions, Nithsdale took the Revocation north with him when he attended the Convention, with orders not to show it to the Chancellor until that event was over. Hay, however, saw it earlier as Nithsdale gave it in 'negligently' with other papers. As soon as the Convention broke up the Chancellor, not knowing, or perhaps not choosing to know, how secret it was meant to be, showed it to 'some few noblemen'. Mar expressed his surprise that at about the same time the Revocation was proclaimed at the (Mercat) Cross. What puzzled him then is still hard to understand.¹⁰ Clearly it was not in the King's interests for a document so contentious to be made public either before or during the Convention, but once that milestone was passed, all Privy Councillors should have studied the paper before its contents were proclaimed at the Cross.

As the meeting went on, the King voiced his disappointment that except in the matter of taxation, all the other proposals he had put before the Convention were greeted with hostility. Why, he asked, had his request for an army of 2,000 men with shipping been refused without submitting the matter to a committee for debate? In his reply the Chancellor disagreed with the Archbishop of St Andrews over what had happened. Both then grew heated. From the wrangle which ensued, the King cannot have gained a very favourable impression of the Council's support for Crown policies.¹¹ What the interchange also revealed is that some of the divisions which separated Whitehall from Holyrood existed within the Council itself.

The King's doubts were matched by the resentment felt by some of his Councillors at what they regarded as tale-bearing. It was on Nithsdale and Ochiltree's evidence that the King's criticism was largely based. His confidence in their judgement was not shared by all his advisers. Both men, in the Chancellor's contemptuous words, 'have made shipwreck of their own estates'.¹² James Stewart, Lord Ochiltree, as his later career was to demonstrate, was a rash, overbearing adventurer. To Hay there was little to choose between him and Nithsdale. Both he regarded as men 'who would now fish in drumly [muddy] waters by shaking all things loose that they may get some part to themselves; some of them having no wit at all, some of them but half-witted, and neither of them great honesty'.¹³ This was the Council's opinion, but not the King's. Ochiltree and even more, Nithsdale, could both count on royal support. In his despatches the Venetian ambassador reported a rumour that the 600,000 merks offered by the Crown for the surrender of church property, 'is already assigned to the Earl of Nithsdale, a favourite of the Duke's'.¹⁴ On 12 February 1626 the King made the Earl Collector General of the taxation voted by the Estates.¹⁵

When the King asked why the Convention had turned down his proposal to allow Councillors immunity from prosecution for debt, his resentment was apparent. No explanation for its decision, he claimed, had been offered, which amounted to a 'kind of despising'.¹⁶ Mar answered that the Council had no choice in the matter, as there was a law against such protection. One wonders if it was with Nithsdale in mind that the proposal was first put forward. Turning to the Revocation the King claimed he had done nothing his ancestors had not done before him 'save in one matter'. Mar thought he meant the

erections and the King's words gave him an opportunity to say, as the Council had, two months earlier, that he could not discuss the Revocation as he had only once heard it read out in Council.¹⁷ He went on to tell the King what fear it had aroused in his subjects, who believed they could no longer count on any security of tenure for their lands and heritage.¹⁸ Mar also reminded his sovereign that unlike his predecessors he had come to the throne with only six months of his minority still left to run.

Before dismissing his Councillors at the end of this first lengthy meeting, the King reminded them of what he had already told Melrose: that the instructions he sent them fell into two categories. If he asked for advice, it should be given but when 'he sent down his pleasure and commanded them to obey it, it was reason they should do it'.¹⁹

At the Council's next meeting the Court of Session came under discussion. The King called on Lord Ochiltree to support his claim that as all Session places were conferred *durante beneplacito* (at his pleasure) and not, as most of the Council believed, *ad vitam* (for life), all of them, since his father's death, were void. It was the King's intention that noblemen and officers of state should no longer serve as Sessioners, and on 26 January he wrote to some of those the new rule would affect, asking for their resignation, (Sir Richard Cockburn of Clerkington, Lord Privy Seal, Sir John Hamilton of Magdalens, Clerk Register, and Sir William Oliphant of Newton, a King's Advocate, were the three judges named). Shortly after, the four remaining office holders resigned their judgeships. John Maitland, Earl of Lauderdale and David, Lord Carnegie, who sat on the Session as peers, but did not hold state offices, objected strongly to resigning their seats, saying that 'they had as good

right to their places as to their lands'.²⁰ Both were offered reinstatement as Extraordinary Lords, but according to Sir James Balfour, neither would accept.²¹

The changes in the Session were complete by 16 February 1626 when the Earl of Winton, acting as President of the Council, wrote to the King to tell him so.²² Inevitably any reform so radical that it diminished the power of some leading Councillors aroused opposition. On 13 January the case for the Crown was put by Sir John Scot of Scotstarvet, who had prepared a paper intended to uphold the King's contention and confound his opponents. In this he had the backing of Sir James Skene of Curriehill, an experienced lawyer who, in the reformed Court of Session, would take Melrose's place as President.²³ In a recent study of the event it has been suggested that it was Skene who acted as Charles I's adviser over the Revocation.²⁴ The idea is interesting, but one objection to it is that when the case was argued at Whitehall, although the King called in Ochiltree and Scot to support his attack on the Session, he did not summon anyone by name to back his claim to implement a Revocation. In the case of the Session the King expressed surprise that any nobleman should wish to sit on such a body, 'a base place and play a part no better than a hangman or noble hangman'.²⁵ This was not a view shared by the Council which pointed out that those of its members who sat on the Session usually passed judgement, not on criminal but on civil cases. As so often happened in the exchanges which took place between the King and his Scottish Council neither side judged the facts from the same historic viewpoint. This led inevitably to misunderstandings.

The King's proposals for the Session could look for no support from a

Council whose members were further irritated by Sir John Scot's commitment to them. To one of his contemporaries he seemed 'a busy man in foul weather'.²⁶ His personality was abrasive and the sharpness he displayed in money matters was demonstrated by the complaint brought against him by the small barons at the November Convention when they had accused him of overcharging on the fees to which his office of Director of Chancery entitled him.²⁷ To the King, Scotstarvet's enthusiastic endorsement of his proposed reform could only be welcome, but the Council distrusted his opinions, which they knew, if accepted, would rob them of both power and money. It was the King's view, in the words of Scotstarvet, that 'the judicatories both of Council and Session at these times were all confounded, for the chief of the Council was also chief of the Session'.²⁸ This was a reasonable point, but it was one on which he could hope for no backing from the Privy Council. At the recent Convention, the Estates had annulled all privileges exempting some from paying taxes 'except the privileges granted to the ordinary Senators of the College of Justice'.²⁹

In his insistence that peers who were ordinary Lords of Session should confine their public service to the Privy Council, the King was depriving them of a salary as well as weakening the power base of a group which looked on its privileges as an hereditary adjunct to its rank. Seven members of the Council were affected. Doubt also surrounded the future of Sir Robert Spottiswood, Alexander, Master of Elphinstone, Sir Robert Melville of Bruntisland and Lord Erskine (heir to the Earl of Mar). As Extraordinary Lords of Session they ranked as unsalaried dignitaries entitled to appear when they chose in the Court. Opinions were divided on whether Sessioners were

appointed for life, but in his claim that they were, the Chancellor made out a slightly more convincing case than Scot of Scotstarvet.³⁰ The King's strongest argument was the one least likely to gain his Council's support, namely that a separation of the judiciary from the executive was a reform designed to promote justice.

As the arguments taking place at Whitehall proceeded, it became apparent how widely the views of the King's home-based Scottish advisers differed from those of his courtiers. To the former it was an added irritant that most of those called in to support the King's stand were little regarded in their own country. To this category belonged Sir Alexander Strachan of Thornton, one of the newly created Nova Scotia baronets. The Councillors' objection to him holding any public office has already been noted, and when he appeared in front of them at Whitehall, as a supporter of Scotstarvet, they told the King their disapproval was unchanged. Strachan in reply, accused the Chancellor of bribery, and peace was only restored when Buckingham intervened to say 'it was not the best course for His Majesty's service that [they] should accuse one another of their faults'.³¹

On 17 January the two sides came together again (the King was absent). The relevant book and Act of Parliament were produced so that King James VI's Revocation might be compared with that of his son. According to Mar, writing in the Denmilne Manuscript, it was found that 'the whole difference in that was between *OR* and *AND* which was most material'.³² So material did it prove that the Revocation still failed to win the Council's support. In a significant exchange between the King and Mar, the latter complained of a lack of consultation before the Revocation became law; 'the short time was the

cause of it', replied the King.³³ When Mar urged his sovereign to respect the law, the King's answer was 'that it is better the subject suffer a little than all ly out of order'.³⁴

With the Court of Session's future hanging in the balance, discussion passed to the King's recently appointed Commission of Grievances and the Commission of the Exchequer.³⁵ On both, the Privy Council expressed its critical concern, but Mar's objections went deeper. To put the Treasury into commission he saw as a slur on his own integrity and the good name of one who had devoted over forty years to the royal service.³⁶

At the last meetings which were held between 9 and 12 February, only the King and Mar were present. No new ground was covered and when the Earl left for home it could not be claimed that either of the two men had acquired a better understanding of the other. Even before the King parted from the Privy Councillors present at Whitehall, he made it clear that he did not accept their rejection of the proposals which he believed should have had their support at the Convention.

The plan for 2,000 men and shipping, he told them, would not be abandoned. The two Commissions (for Grievances and the Exchequer) remained in place and Sir Alexander Strachan continued to enjoy his favour. From Mar's account it emerges that the picture Charles I had formed of his predecessor's relations with the Scottish Council did not accord with the Earl's. Why, the King asked him, were his royal commands not obeyed by the Councillors as were his father's? To which Mar replied that often, when they had delayed implementing the old King's demands, he had thanked them subsequently for doing so.³⁷

Although the King was determined that the Revocation should proceed, with a commission appointed to ensure that it did, he was aware, through the fears expressed by his Council, that a much more detailed explanation was required of his 'meaning and intentions'.³⁸ On 26 January, while some of the Councillors were still in London, he signed a lengthy order to be proclaimed throughout the kingdom, explaining how the Revocation would not only benefit the church, the poor and the schools, but bring to an end 'the disorders and incommunities arising about teinds'.³⁹ The order was carefully designed to appease the objections of those who feared for their rights of property and to prove that what he sought to do was in line with the policy familiar to them through his predecessors. In a covering letter he reminded the Council that he had not made any final decisions before listening to 'all objections that could be made' at Whitehall. 'These did the more confirm us in our first resolution.'⁴⁰

Two days later the King informed the Council of the appointment of Sir William Alexander as Secretary of State for Scottish Affairs at Court. The post was not a new creation for the Earls of Dunbar and Annandale had both been employed by James VI in the same capacity, but to Melrose, Sir William's promotion was nonetheless unwelcome. Unlike Annandale, the new Secretary was not one of his intimates nor even someone he much liked.⁴¹ Whatever their relations may have been, the appointment of a second Secretary, whose presence at Court conferred on him advantages denied to the first Secretary in Edinburgh, was more likely to create friction than to cement friendship between the two men concerned. In a letter to Melrose explaining Sir William's elevation, the King denied that by 'sinistrous suggestion and

calumnies of informers against you, we had been moved to dispose of your place'.⁴² In several letters to Melrose Sir William attempted to pacify the older man but with little success. Two years later, when 'auld Melrose' was finally supplanted as Chief Secretary by his rival, he seems to have accepted the situation with less rancour than he felt in 1626.

It is not difficult to see why Melrose, or Haddington as he became in 1627, never enjoyed the unqualified approval of his sovereign. His great wealth and the church lands from which some of it came, made it unlikely he would support the Revocation. In a letter to the Earl of Roxburgh his reference to 'the pretended oppression of teind-masters' is an indication of his thinking.⁴³ His exchange of one title for another was probably intended to deflect attention from his temporal lordship of Melrose Abbey. He also offended the King by refusing to accept a higher place in the Council. His reason, he explained, was the enmity such a promotion would provoke. As a laird's son, he knew better than to put himself above the better born. His caution was understandable to his colleagues but not to his King, who was in no position to appreciate the social conventions which formed an important part of the intricate structure of seventeenth-century Scottish society.

What conclusions can be reached from Charles's first encounter with his Scottish Council? In the first place it provided a clear picture of his reaction to the recently held Convention. In the second it was indicative of how little common ground, in terms of policy, existed between the Scots responsible for the royal administration in Edinburgh, and those who had the King's ear at court. As the discussion broadened, it became evident on which side of the debate all those who spoke belonged. Nithsdale, Ochiltree, Scot of Scotstarvet

and the Bishop of Ross supported the King without reservation. Against them were ranged nearly all King James's old Councillors. Such middle ground as existed was occupied by Annandale, who was first and foremost a courtier, the Archbishop of St Andrews, an advocate of compromise, and Buckingham who, as an outsider, was shocked by the violence of the debate. Sir Archibald Napier, whose support for the King's policies might have softened the sharpness of the exchanges, was not a participant, as his duties kept him in Edinburgh. Mar noted that when, in the King's absence, it was the Duke who presided over Council meetings, Buckingham was at pains to show his respect for the state officers taking part. With the King present a far greater formality prevailed. Charles I sat, the Chancellor stood on his right, Buckingham on his left, while all who spoke did so on their knees.⁴⁴ From some of Mar's evidence, it appears that the King's ambition to legalise a General Revocation before its details had been discussed arose not so much from a desire to mislead his subjects, as a determination to establish the validity of his claim. Subsequently, with the Revocation in place, he was prepared, as later events showed, to accept compromise in the areas where disagreement existed most strongly. Unfortunately, as communication was not one of the King's gifts, this policy was not apparent to the Councillors who faced him at Whitehall.

What they saw instead was the resentment they had aroused by turning down all the proposals he had put forward at the Convention. Their only ground for doing so, he had been told, was the dislike they bore Annandale and Nithsdale, who on that occasion had acted as his emissaries. The Councillors for their part insisted that nothing less than their financial ruin would result from the Revocation. In its first draft, only the Principality was

affected. The second, about which they must have known more than Mar claimed, questioned the legality of all landed property rights. Even the bishops (with the exception of Ross) were unenthusiastic. Consequently a reform both necessary and in the long term beneficial began by attracting the enmity of the King's most powerful Scottish subjects. This lost him ground he was never to recover. The same could be said of the changes he made in the Court of Session. One further reason why the reforms envisaged aroused so much opposition is that the Council saw, in carrying them out, that it was faced with an administrative task of great complexity. Sir Archibald Napier put forward the King's case with the moderation proper to an experienced public servant when he wrote: 'what truly might be said to be his (which were his intentions only) were most just and princely, but the means (which were other men's intention) were most unfit to compass his ends'.⁴⁵

In his hope that the Commission appointed to carry out the Revocation would apply itself willingly to a daunting task, the King was faced with several problems. In the first place the nobles, on whose co-operation he depended, were themselves 'the greatest teind masters', as Napier pointed out.⁴⁶ Secondly, he could not count on the wholehearted support of the bishops, even though they were intended to be beneficiaries of the changes proposed. There were reasons for this. In 1626 the Scottish bishops did not form a united body. The ties which bound them to the King were not close, and the same could be said of those existing between the older bishops and those more recently appointed. Henry Guthry, who subsequently became Bishop of Dunkeld, noted in his memoirs that under Charles I the method by which they were chosen had changed, and describes the resulting friction. In

James VI's day, when an Episcopal vacancy occurred, it was the practice of the Archbishop of St Andrews to convene the other bishops and draw up with them a short list of candidates, which was then submitted to the King. Under Charles I it was not the bishops, but those at court who proposed names. As examples, Guthry instanced Mr Thomas Sydserf and Dr Wedderburn who, through the intervention of the Archbishop of Canterbury, were made bishops respectively of Brechin and Dunblane. John Maxwell owed his preferment (he secured Ross) to another Maxwell, James, a Gentleman of the Bedchamber. Dr Leslie was Buckingham's choice for the Bishopric of the Isles and Sir William Stirling ensured that Dr Whitford was given Brechin, when Sydserf, its previous incumbent, was moved to Galloway.

The new bishops were more political than the old, and in Guthry's view, less cautious. When Laud criticised the liturgy current in Scotland in 1633, it was the old bishops who resisted innovation: 'in King James's time there had been a motion made for it . . . but . . . in the Articles of Perth then introduced proved so unwelcome . . . they were not yet without some fear that if it should be gone about the consequence thereof might be very sad.'⁴⁷ Although the personal ties linking the Crown with the bishops weakened under Charles I, there was a growing fear among the nobles that they would be obliged increasingly to share political power with those they looked upon as the King's creatures. Traquair, Guthry claims, was one who felt threatened when, as Treasurer Depute, he suspected that John Maxwell, the ambitious Bishop of Ross, had designs on his place.⁴⁸

Although some of Guthry's stories may be based on gossip, they do reveal some of the dissensions existing within the Three Estates. It was the bishops

whose standing was most vulnerable. Their clerical status was only grudgingly conceded, any political ambition on their part was resented and as their numbers were seen to increase on the Privy Council, the nobility came to suspect them of social as well as political aspirations. Whether the King was aware of the disunity which existed within the Council or not, his determination was fixed that the reforms he proposed should go through.

In the aftermath of the Convention, Charles did not disguise the frustration he felt to find men like Mar and Melrose, who were among his father's most trusted Councillors, so negative in their attitude. His determination that what they might not like they must accept was reflected in the order which reached Holyrood on 23 March 1626 announcing his reconstructed Council.⁴⁹ The new body included three English peers: the Duke of Buckingham, the Earl of Pembroke and the Earl of Carlisle, who as James Hay was Scots-born.⁵⁰ Lancelot Andrews, Bishop of Winchester, was also made a member.

The Council contained some significant changes. Melrose was no longer its President. The reasons for this have already been shown. By refusing a rise in his status on the Council he had offended the King and his error was compounded by the support he had given at the Convention to the small barons in their opposition to the new creation of Nova Scotia baronets.⁵¹ In his place, the King appointed the Earl of Montrose as President. His choice is puzzling. John Graham, 4th Earl of Montrose, carried no weight politically and lacked both the authority and ambition to promote the King's policies. Although a member of the Privy Council since 1604, he rarely attended its meetings and after his wife's death in 1618, domestic affairs took up much of his time.⁵² His term of office was brief, as he died in November.

Owing to the changes effected by the King in the Court of Session, no ordinary lords were members of the new Council. This posed a problem. With the King's insistence on a quorum of eight (not including officers of state) and the seven Law Lords excluded, it proved hard to find sufficient Councillors whose business brought them to Edinburgh on a regular basis.⁵³

Charles was an active King and the keen interest he took in Scottish affairs was not confined to the Revocation and the workings of the Court of Session. From the beginning of his reign the parlous state of the royal finances was a cause of concern both to the King and his Council. The problem was exacerbated by an influx of foreign coin and the international trade which accounted for it was in itself a vexed question. The country was divided over the advantages to be gained respectively from free trade or protection. The chief Scottish exports consisted of wool, skins, livestock and coal. In return, a demand for imported goods included wine, luxury goods and grain. In this exchange a conflict of interests arose between the burghs, which wanted home-produced commodities kept in the country and sold cheap, and the owners of land and coal, who made money from the export of what they produced. The matter had been raised at the Convention but it came up again the following year, on 20 April 1626, when an enlarged Council met to discuss two letters sent to it by the King.⁵⁴ In the first of these Charles supported the plea made to him by Edinburgh that while the export of grain, wool and coal should be prohibited, no check must be put on the free importation of grain. The King's second letter showed that after writing the first he had listened to objections raised against the proposals. As a result he withdrew his support for them and left it to the Council to reach a decision. A compromise resulted. The shortage

of coin and the difficulties this caused to those trading abroad were not mentioned in this context, but would occupy the Council's attention a few months later.

As the year 1626 advanced the King found that the Council changes he had made gave no impetus to the Revocation. In July he wrote to the new Council, listing as he had before, the benefits of his reforms and announcing the appointment of Commissioners.⁵⁵ On the Council the Revocation's chief opponents were the Chancellor, Mar, Melrose and Roxburgh. They formed a powerful group when compared with the King's supporters of whom Huntly, Morton, Nithsdale and the Earl Marischal were the most notable.⁵⁶ The King summoned some of the dissenting lords to London where he informed them that every man should have his own tithes and that vassals of church lands would in future hold them of the Crown. The lords answered that 'the Revocation was a Grievance to the nobility and had a long time gone in disuse'.⁵⁷ The King persisted that they must part with their rights to other men's tithes for a reasonable price, which would be paid by the heritors, resign their superiorities of church lands and submit, otherwise they could choose to go on trial. As some lords still refused to comply, in August a summons of improbation and reduction⁵⁸ was issued by the King's advocates against the offenders.⁵⁹

In September a proclamation announced that the first meeting of the Commissioners dealing with the surrender of rights annulled under the Act of Revocation would take place on the first Wednesday in November.⁶⁰ Disagreements arising from the Revocation provided Nithsdale with an excuse to launch an attack, supported by Sir James Skene and others, against the

Chancellor.⁶¹ Hay's account of Nithsdale's somewhat puzzling behaviour, is contained in the written answers he submitted to questions asked by the King in October 1626. In an attempt to discredit the Chancellor by querying his commitment to the Revocation the Earl, when in Edinburgh, asked for a meeting to be arranged between him and members of the Council. Its object was to discuss the Revocation, about which he himself expressed doubts. When the two sides met, Nithsdale denied all interest in the matter, or a wish 'to seek any of your friendships'.⁶² Hay's position was threatened. When he went south to defend himself there was talk that he might be put on trial, but the case petered out.

It is hard to see quite what political game Nithsdale was playing. He had no reason to count on any support from the Privy Council, and predictably, the only result of his intervention was to strengthen the Chancellor's position. Some sympathy may be felt for the Earl when it is remembered that his standing as the King's emissary to the Council was never accepted by that body. Burnet in his *History* claims that when he went north in 1628 charged with the duty of informing all those involved of the King's offer on church lands, Nithsdale believed, on good authority, that his life was threatened; for this reason he did not dare disclose the nature of the written instructions he had been given.⁶³ He was appointed Collector General of Taxation in 1626, a post which brought him some relief from his creditors, though no popularity. He faced another problem. In his dealings with various members of the Johnstone clan, it was never forgotten by the Privy Council that when acting as a Commissioner for the Middle Shires, he could also pursue what had become an old family feud.⁶⁴

While the Chancellor contended with his enemies, from London came news that the 'Revocation is concluded and will go on'.⁶⁵ With their doubts still persisting, the nobles held a meeting in November, when it was decided to send a petition to the King. Its delivery was entrusted to a small delegation, consisting of the Earls of Rothes and Linlithgow and Lord Loudoun. They were all young, as this, it was felt, might appeal to their even younger King. At first the mission did not prosper as King Charles sent word that their petition was 'of strain too high for subjects'.⁶⁶ Subsequently he met the three, who had obtained the backing of Sir William Alexander and the Earl of Menteith, and agreement was reached.

Before returning home the lords were all rewarded in different ways by the King. Linlithgow was made Admiral of Scotland, pending the majority of the Duke of Lennox. Rothes, at this stage of his career, was popular with Charles. In the previous January he had a private conversation with him at Whitehall and was entrusted with royal letters when he journeyed north to Edinburgh.⁶⁷ On this occasion he was promised compensation for the loss sustained through the lapse of a right in the tobacco monopoly. In addition to these favours, all three petitioners were assured of generous treatment in the forthcoming Revocation settlement, and they had the King's word that the objections which had brought them to court would be met.⁶⁸ As a result, on 17 January 1627, thirteen letters went out from Sir William's office. One of them was the Royal Mandate for a new commission, which, at the request of the deputation, would supersede its predecessor.⁶⁹

The nobles were followed south by two representative of the lairds, who also sought and gained some modifications to the Act.⁷⁰ Of the clergy's

delegation, very little is known. The bishops were uneasy about the Act and there is some truth in the comment that 'none with less reason conceived greater fears of the King's Revocation'.⁷¹ From the success achieved by two of the groups which made their way to Whitehall, it could be argued that the King was prepared to make concessions in order to satisfy the vested interests which lay at the heart of the opposition aroused by the Revocation. The first delegation consisting of Rothes and his companions fared best. After an initial rebuff, they gained more than any of them could have expected. Was this result the work of Sir William Alexander and the Earl of Menteith or did it represent the King's wishes? A strong case for Menteith has been put forward by his most recent biographer, but it might be questioned.⁷² The King was certainly offended by any discourtesy which, as he saw it, slighted his royal status or impinged on his prerogative. Once these barriers were acknowledged, however, or an apology offered for ignoring them, he was prepared to compromise.⁷³ The Revocation was intended to bring order out of what he saw as chaos, and though noblemen like Loudoun sneered at the 'alleged bondage' of the tithes, the frustration they caused was real.⁷⁴ The King kept his word to Rothes and the others. A new Commission was formed and met regularly between January and July 1627.⁷⁵

While the Commission went about its business, the economic problems raised at the Convention became more acute, as an empty Treasury waited for some of the money due to it in taxes to come in. The late appointment of a Collector of Taxation (Nithsdale) led to a three-month delay.⁷⁶ The Council can only have been relieved when in July Edinburgh repeated the offer made previously at the last Parliament of James VI to pay its four-year quota of

£40,000 Sc. as a lump sum. This figure included both ordinary and extraordinary tax. Other burghs followed suit and though the sums involved were not very large (Culross, a small town in Fife, paid £162.5.6d. Sc.), all were welcome.⁷⁷

A far more important addition to the national income than the burghs' contribution was the customs duty levied on merchandise and, most lucrative of all, the impost on imported wines. Hitherto the two had been leased separately, with the lease of the customs worth around 160,000 merks; but in January 1627 a decision was taken to offer the customs on merchandise and the impost on wines together at a public auction in February.⁷⁸ When the event took place, there were no takers. To the Treasury this represented a considerable financial loss. In a letter to the King the Council offered excuses and Sir Archibald Napier was sent south to explain in person why such a thing had happened.⁷⁹ His visit achieved results. When he rejoined the Council in June, it was as Lord Napier of Merchiston, bearing proposals with which the Councillors were already familiar.

It was at the 1625 Convention that the King, through the Chancellor, had first suggested a method of increasing the country's stock of native coin.⁸⁰ The matter, after a discussion, was entrusted to a committee which, if met at all (there were many postponements), did nothing.⁸¹ As a result there continued to be too many foreign coins in circulation changing hands at an inflated value. The King, as in other fields, saw the abuse of the coin as a matter demanding reform, but the Council shrank from a task which would involve manipulating the currency. In June it was decided that action would follow only when 'a more fit opportunity be offered'.⁸²

The Council's refusal to implement the King's wishes is understandable but cannot have improved relations between Whitehall and Holyrood. It also told against Napier. His ennoblement could only increase the ill will Mar always felt for his deputy and the fact that Napier, as an efficient man of business, was in favour of economic reform would be seen as a criticism of his fellow Councillors. When the King despatched Nicolas Briot to Scotland a few years later to simplify the currency and design new coins he was received at the outset no more enthusiastically than his master's proposals had been in 1627.⁸³

The King's attempts to modernise the country's financial structure are deserving of praise but in Mar he did not possess a Treasurer who shared any of his aims. Age, as well as the Earl's own inclinations, lent them no appeal. Charles faced the same resistance over the Revocation; and for this his own methods must take part of the blame. What remains true, however, is that even had he adopted a more tactful approach there were few members of his Council who acknowledged any merit in change. In pressing forward with the Revocation, the King was in a singular position. At the outset there is no evidence that anyone in a position of great influence other than himself saw any pressing need to reform the teinds. The lower clergy supported measures which would lead to an increase in their stipends, but the bishops' views were influenced by their knowledge of strong resistance to change in the Privy Council. The same division existed among landholders, where the small farmer hoped for some of the benefits which the great landowners feared they were about to lose.

Charles I is often accused, on good evidence, of impatience, but without

it, the Revocation might well have foundered. In the years which it took to complete, he was faced with active resistance to the surrender of rights and an apathy which slowed down progress almost everywhere. Sub-commissions were appointed for every presbytery to ascertain the value of stock and teinds within its bounds, but they carried out their duties without zest. Some of those appointed avoided the toil of office altogether while others did nothing to make it effective. As late as 1629 there were fifteen named presbyteries where no sub-commissions existed.⁸⁴ None of these hindrances were allowed to stand in the way of the King's ambition. To the implementation of his reform he devoted both time and energy. In a letter to the Council written in March 1628 he informed it he had met Commissioners representing both the buyers and sellers of tithes at court to discuss their progress and if the need arose would do so again.⁸⁵

The King's impatience was a necessary factor in ensuring progress but it could also be counter-productive. He needed an adviser to whom he listened, who was also acceptable to the nobility of Scotland. In the Earl of Menteith he found one. Although Menteith's influence on events is hard to assess, he certainly promoted a better understanding between Charles I and his Council than existed either before his coming or after his fall from power. Unlike Charles I's other Scottish advisers, John Graham, 7th Earl of Menteith, did not owe his early promotion to James VI. His only connection with that king was a request, which reached Menteith via the Earl of Mar, to supply him with 'earth dogs' (terriers) in 1617.⁸⁶

Menteith was appointed to the Privy Council and the Commission of Exchequer on 18 January 1627.⁸⁷ His active political life began at a

time when the energies of his fellow countrymen were not confined to home affairs. The armed struggle over the Palatinate and the fact that its dispossessed Elector was married to their king's sister, and therefore to a Scottish princess, appealed to a nation with a strong military tradition. The early years of Charles I's reign were ones in which there was a great awareness on the part of the King as well as his Scottish subjects, of 'a universal combustion . . . throughout Christendom'.⁸⁸ The Convention of 1625 found the threat sufficiently serious to order a general muster and Wappenshaw (an exhibition of arms) on 28 December. It was even proposed that such musters should be held annually, as of old.⁸⁹ The Council of War, appointed in 1626, and an urgent request from the Privy Council to the King in the same year, that 20,000 pounds' weight of gunpowder be imported, are signs of the prevailing nervousness.⁹⁰ In July 1626 the King bought three ships to protect Scottish waters. They cost £5,200 stg., a large sum to find out of taxation.⁹¹ A Particular Convention of the Royal Burghs held in October 1626 estimated the cost of maintaining a warship at £2,500 Sc. a month.⁹²

As the Thirty Years War gathered momentum and drew in new contestants, the demand for soldiers increased. Scotland initially responded willingly to this demand. For centuries previously, the wars of continental Europe had brought rich rewards to the adventurous. Traditionally the Auld Alliance ensured that most Scottish mercenaries offered their swords to France but in the aftermath of the Reformation Catholics tended to support the Catholic powers abroad since advancement was no longer open to them at home. For the majority of their fellow countrymen, the Protestant cause beckoned, its popularity enhanced by the fame of Gustavus Adolphus's generalship. The number of

seventeenth-century Scots who enlisted in foreign armies is both hard to establish and open to exaggeration but it has been put as high as 50,000.⁹³ The Swedish King was a great commander and it is not surprising if as many as eight Scottish regiments formed part of the Swedish army in 1624. Some 700 Scots soldier were hired by the city of Danzig as early as 1577.⁹⁴ Between 20,000 and 30,000 Scots, it has been estimated, fought on the Protestant side during the Thirty Years War.⁹⁵ On the Catholic side six Scottish regiments served under Richelieu.⁹⁶ The numbers of mercenaries can only be exaggerated, when no figures exist of deserters. In 1626 Sir Donald Mackay (later Lord Reay) was advanced a sum of £500 stg. from the Scottish Treasury to stop the 3,600 men he had already raised from deserting. With no ships available to carry them overseas and no pay, their disenchantment is understandable. In July 1626, he received a further £2,000 stg.⁹⁷ During the first years of Charles I's reign a large number of commissions were issued to individuals prepared to raise troops for the country's allies abroad. Not all were intended for the continent. Sir Robert McLellan of Bombie was granted a licence in 1625 to raise fifty horse and one hundred foot soldiers for service in Ireland.⁹⁸

In 1627, when the country was at war with France, the Earl of Morton found favour at court by recruiting a regiment to join the army Buckingham intended should raise the siege of La Rochelle (it was to be joined by a contingent under Sir John Grant, but this unit never reached La Rochelle, as another Scot, Colonel Hamilton, acquired it for the Swedish Army).⁹⁹ Meanwhile the search for mercenary soldiers continued.¹⁰⁰ By 1627 it was found difficult to raise the numbers required and not all those who went to

Germany were enthusiastic.¹⁰¹ A contemporary poem shows some of the feelings their departure aroused at home.

Oh woe unto these cruel wars
That ever they began!
For they have reft my native isle
Of many a pretty man.¹⁰²

Desertion, as previously noted, posed another problem.¹⁰³ The Privy Council encouraged recruitment by pressing into service 'sturdy beggars', vagabonds and gypsies, but poor pay and a lack of equipment, including shoes, did not stimulate enlistment.¹⁰⁴ Lord Ogilvy, who was helping Nithsdale in his recruitment, reported a shortage of shoes, hats and shirts in 1627.¹⁰⁵ Even the money promised to those licensed to recruit was always late in coming.¹⁰⁶

With so many licences granted, it became increasingly difficult to find either the men or the money. Between 1625 and 1627 Sir Robert Anstruther was authorised to raise two regiments for Charles I's uncle, King Christian IV of Denmark, and Captain Alexander Seton, five hundred men in the same cause. Sir James Sinclair of Murkill was issued with a new warrant to raise a further 3,000 men for Denmark. Lord Spynie and the Earl of Nithsdale were recruiting at the same time. In several letters to Nithsdale, Lord Ogilvy criticised the Council for allowing those seeking men to poach in each other's areas, and for impeding Nithsdale's endeavours.¹⁰⁷ To pay the troops bound for Denmark £8,000 was required. Out of this sum £4,000 was for Nithsdale and the remainder divided equally between Spynie, who had been appointed General Muster Master¹⁰⁸ and Sir James Sinclair.¹⁰⁹

Protestant Scotland's commitment to the Prince Palatine's cause and the numbers who went to war as a result, had a considerable effect on Scottish thinking. One result was that the Scots who fought under Gustavus Adolphus or Count Mansfeld had little sympathy for King Charles's religious policies when they compared them with the Lutheranism of Sweden or the Calvinism of their co-religionists in France. Out of the hard-fought campaigns emerged a large number of independent-minded, experienced soldiers, with links all over Europe. Their importance became increasingly apparent after 1637. When the Covenanters took up arms against King Charles, what lent them great confidence was the fact that so many of their officers had learned their trade in famous foreign armies.

Before this happened, they played a part in another less important but nonetheless curious drama. The nomadic world of Scottish mercenaries, in which officers, often linked by kinship, or known to each other from childhood, met and exchanged gossip all over Europe, goes far to explain the puzzling case which brought about Lord Ochiltree's disgrace in 1631. It also illustrates the importance influential Scots attached to family plots supposedly directed against the royal house. Although society had grown markedly less bellicose as the seventeenth century advanced, a widespread belief still existed that kidnapping a king, as the Boyd family had done in the fifteenth century and the Earl of Gowrie probably aimed to do in 1600, could still happen in 1631.¹¹⁰

James Stewart, the 4th Lord Ochiltree, was the central figure in what, even today, remains a mysterious incident. Born in 1576, he was described as 'a man of a turbulent spirit but witty and active'.¹¹¹ A previous Lady Ochiltree,

as already mentioned, had acted as nurse to the infant Prince Charles before 1603 and his position at court was further strengthened by the service he did the Earl of Nithsdale over the Revocation and the Commission of Surrenders. From his youth he had played a prominent part in public affairs. Between 1613 and 1622 he was the King's tacksman (holder of a lease) and sheriff of Orkney and Shetland, and after 1619 he served on a commission to try offenders 'in doctrine, life or religion'.¹¹² His activities were not confined to Scotland. After 1625 he was often at court, where the support he gave the King in his plans to reform the Court of Session earned him the distrust of the Privy Council. So did the violence of his views. Among his prejudices was a dislike of Hamilton; 'his malice against the Marquis', noted Bishop Burnet, 'was hereditary'.¹¹³

In 1629 Ochiltree turned his attention to the New World, specifically Canada. He attempted to found a settlement at Cape Breton (now Louisburg) but two months after his arrival it was overrun by the French, and he was taken prisoner. His losses, he subsequently claimed, were £20,000 stg.¹¹⁴ Until now Ochiltree's career, by the standards of the day, had been unexceptional. He was adventurous, he needed money, and he shared Sir William Alexander's vision of Canada as a lucrative Scottish colony. In 1629 he had the King's authority to borrow £500 stg., an indication that he was well thought of in court circles at that date.¹¹⁵ What makes his actions in 1631 hard to understand is that he was a man of considerable political experience and over fifty years of age when he embarked on what could only be considered a risky political gamble.

In May of that year he met Lord Reay, the chief of Clan Mackay, who as

Sir Donald Mackay had raised a regiment to serve the Swedish King five years before.¹¹⁶ Reay denied being a mercenary, making an interesting distinction between those who enlisted to pay their debts or, as in his case, from choice.¹¹⁷ Ochiltree and Lord Reay met in London and the latter told him there was 'a plot against the land' of which he had heard through David Ramsay, a follower of the Marquis of Hamilton.¹¹⁸ At a later meeting Reay provided details. The plot was to secure the crown for Hamilton. The King and the Prince of Wales would be 'immurate', the Queen banished to a convent and a group of state officers, both English and Scots, was to be executed. To bring this about, Hamilton intended to use the levies everyone believed were promised to the King of Sweden. They would first occupy all the King's Scottish houses before marching south to seize the royal family.

Ochiltree and Reay decided that such a dangerous enterprise should be communicated with all speed to the Lord Treasurer of England, who was himself one of the intended victims. The latter, as soon as he heard that Hamilton was the accused, told the two peers to write out the charges against him for the King to see. Ochiltree added a list of names showing all those in Scotland on whose support he was confident that Hamilton could count.¹¹⁹ They numbered twenty-seven and included most of the leading members of the Privy Council. Two were singled out for special mention: Lord Erskine, because as the Keeper of Stirling and Edinburgh Castles he controlled most of the King's ordnance, and the Earl of Roxburgh who could raise around 1,000 armed men in two days from among his own friends and followers.¹²⁰

On the face of it, no 'plot' could appear more farcical, but this was not apparent to any of those involved. Lord Ochiltree even interrupted the King at

dinner to tell him: 'Sir, now we know the business, but know not the time, and therefore Sir, either do or die'.¹²¹ Reay was examined several times and gave a confused account of the rumours and grievances exchanged between soldiers, both at home and abroad.¹²² Some of the grievances were strongly felt. The King's tolerance of Popery and Arminianism, the bishops' pre-eminence and the dangers to which royal policies exposed the church were much discussed and Hamilton's orthodoxy praised.¹²³ The Earl of Melrose's sons and other Hamiltons serving in the Swedish Army were prepared, it was claimed, to resign their commissions in order to serve under their own chief, the Marquis of Hamilton. This shows the strength of family feeling in Scotland, as does the decision taken by the sons to hand over their estates to their father while serving abroad.¹²⁴

Reay's main informant was David Ramsay, who according to himself, was Hamilton's unofficial ambassador in Sweden and Denmark. He was also a Gentleman of the Privy Chamber. He encouraged Reay to hope that the Marquis would secure for him the tack of Orkney. This was a prize for which there were always contenders.¹²⁵ Although Reay and Ochiltree produced conflicting evidence, they were never asked to explain the discrepancies, while other witnesses contradicted each other. Lieutenant Colonel Alexander Stuart accused Captain William Stewart of saying that Argyll, the Marquis (of Hamilton), Cassilis, the Chancellor and an unidentified Lindsay were seen together at 5 a.m. 'and either know of a plot or are making one'.¹²⁶ The Earl of Seaforth, an important witness, was not called at all. The case, as one would expect, attracted great publicity in Scotland as speculation mounted on what would be its outcome.¹²⁷

The King ignored the attacks on Hamilton and made it clear his trust in the Marquis was unshaken, but the charges brought against him were too damaging to be ignored. Lord Reay escaped censure, as he had only repeated what he had heard from others. Ochiltree, on the other hand, had accused the Marquis, in the King's presence, of treason, and compiled a list of his Scottish adherents. He was indicted for 'Calumnies and Slandorous speeches against James, Marquis of Hamilton and the Earls of Hamilton, Roxburgh and Buccleuch'.¹²⁸ This, until 1707, was a capital offence. The case was remitted to Edinburgh where Ochiltree could hope for no support from the Privy Council. He was allowed counsel but though the prosecutor crossed swords with the defence, no real trial ever took place.¹²⁹ Instead, between November 1631 and July of the following year, he was imprisoned in the Tolbooth.¹³⁰ According to one account, the judges were reluctant to put him on trial 'for he charged the Lord Reay with all. Therefore His Majesty . . . discharged the justice to meddle any further therein'.¹³¹

Although he was not convicted, Ochiltree spent the next twenty years of his life imprisoned in Blackness Castle until the Cromwellian regime released him.¹³² In the same month that Ochiltree came to Edinburgh as a prisoner, Lord Reay accused David Ramsay of treason and brought an action against him before the Court of Chivalry.¹³³ Both parties accused the other of lying about the Hamilton plot and as the Court was unable to decide between them, the verdict was that the two should fight a duel in the King's presence.¹³⁴ Before any such encounter took place the King imprisoned both contestants in the Tower. Subsequently, he wrote an affectionate letter to Hamilton which showed that his trust in him was unshaken.¹³⁵

Of those involved in the Ochiltree case only the Marquis of Hamilton could be said to have benefited. The King's trust in him was strengthened by his dignified rebuttal of patently absurd charges and this increased his standing at court as a sound adviser on Scottish affairs. At the same time any hope the Scottish nobles may have entertained of engaging the King in a serious political dialogue, was weakened by Ochiltree's intemperate proceedings. What made them the more damaging was that they were the acts not of a political *ingénue*, but of a public figure with strong court connections. Although the King did not believe that either Haddington or the other peers named by Ochiltree were plotters, by drawing attention, as he did, to 'the great power of the Scottish nobles' he did a disservice to those who were the backbone of the royal administration.¹³⁶

From the outset of his reign, the King was never at ease with the most powerful among his Scottish subjects. Ochiltree's outburst did nothing to improve his relations with them. Whether his fate represented the King's judgement or that of the Privy Council is hard to determine. In a letter written in July 1632 Charles I informed the Earl of Menteith (now Earl of Strathearn) that he had heard a trial would not ensure Ochiltree received the punishment he deserved. Instead, he was not to come within fifty miles of the Court.¹³⁷

This does not explain how he came to Blackness. One possibility is that the Council, not wanting a trial, or discouraged by Charles from holding one, chose the castle as a temporary prison, until the King's final judgement on Ochiltree was known. In the absence of any further directive, he remained there. Ochiltree might have escaped the punishment he suffered if his immediate family and kinsmen had wielded more power. In the absence of any

vocal support, it might almost be thought he was forgotten. Although his cause was too personal to attract popular sympathy, it was no comfort to his fellow peers to know that one of their number could so easily disappear from the free world. In alienating the Scottish nobility, Charles was weakening the power base on which the monarchy depended in that country. By doing so, he also encouraged the growth of an opposition which would acquire a sharper edge when another peer, in the shape of Lord Balmerino, became the central figure in a much more controversial trial.

Notes

1. *RPC*, 2nd series, I, 201-5.
2. *RPC*, 2nd series, I, 203.
3. SRO Treasury Accounts 1624-5, E.19/22; A.I. Macinnes, *Charles I and the making of the Covenanting Movement 1625-1641* (Edinburgh, 1991), 48n.
4. Macinnes, *Charles I*, 41. The figure was £259,878.19 Sc. (£21,657 stg.) between March 1624 and March 1625 and £223,930.7.4. Sc. (£18,661 stg.) in the following financial year.
5. *Ibid.*, 35.
6. Session meetings were postponed by the King on 28 October 1625 and 10 January 1626. *RPC*, 2nd series, I, 152-3, 216-7.
7. *RPC*, 2nd series, I, 193-4; *Melrose Papers*, II, 593-4: 'on opposition of our leading men', Nithsdale to Annandale, 28 November 1625.
8. Balfour, *Historical Works*, II, 131-2; NLS MS 80 fo. 58.
9. *RPC*, 2nd series, I, 194. For Strachan's behaviour see *RPC*, XIII, lxvi-lxviii.
10. NLS, Denmilne, fo. XVIII, 33.1.4. (3): The account given in Denmilne is more detailed than that contained in HMC, *M&K* (1904), 133-146. Though they differ in some details, I believe both were written by the Earl of Mar.
11. NLS, Denmilne, fo. XVIII, 33.1.4 (3); HMC, *M&K* (1904), 133-9.
12. HMC, *M&K* (1904), 140.
13. *Ibid.*, 140.
14. *CSPVen.*, (1626-1628), 119. The ambassador also reported that 'another portion' of money was destined for Mar 'that he may cede his post to the Earl of Morton' and a third grant to the Chancellor, a new client of Buckingham's.
15. *RPC*, 2nd series, I, 233.
16. HMC, *M&K* (1904), 134.
17. An erection was the post-Reformation creation of a temporal Lordship out of a spiritual benefice.
18. HMC, *M&K* (1904), 134, 139, 140.
19. NLS, Denmilne, fo. XVIII, 33.1.4.

20. Scotstarvet, 169; *Stirling's Register*, I, 13, King to Carnegie and Lauderdale, 26 January 1626.
21. Balfour, *Historical Works*, II, 134; *Stirling's Register*, I, 273.
22. *RPC*, 2nd series, I, 234-237.
23. Scotstarvet, 170.
24. M. Lee, *The Road to Revolution. Scotland under Charles I, 1625-1637* (Chicago, 1985), 35.
25. NLS, Denmilne, fo. XVIII, 33.1.4.
26. Balfour, *Historical Works*, II, 147.
27. *RPC*, 2nd series, I, 180.
28. Scotstarvet, 169. The 'chief' referred to was the Earl of Melrose, two of whose brothers were ordinary Lords of Session.
29. SRO GD 6/40/3.
30. Scotstarvet, 172-174; P. McNeill, 'The Independence of the Scottish Judiciary', *The Juridical Review*, part 2, August 1958, 135, 137.
31. NLS, Denmilne, fo. XVIII, 33.1.4.
32. Ibid. The Earl of Mar's objections voiced in HMC, *M&K* (1904), 139 cover a far wider area.
33. HMC, *M&K* (1904), 141.
34. Ibid., 141.
35. A Commission of Grievances had been first instituted by James VI in 1623; *RPC*, XIII, 219-223; *RPC*, 2nd series, I, liii-liv; For the Commission of the Exchequer, *RPC*, 2nd series, I, liii, 265-7.
36. HMC, *M&K* (1904), 141-142.
37. Ibid., 145-146.
38. *RPC*, 2nd series, I, 227-232.
39. *RPC*, 2nd series, I, 228; *Stirling's Register*, I, 11-13.
40. *RPC*, 2nd series, I, 232.
41. Ibid., xlvi. Quote from Sir William Alexander's *Memoirs*.
42. *Haddington Memorials*, ed. Sir W. Fraser, II, 89-90.

43. NLS, Ms 80 fo 58; *Memorials*, ed. W. Fraser, II, 151-2.
44. NLS, Denmilne, fo. XVIII, 33.1.4.
45. Lord Napier, 'A true Relation', 102.
46. *Ibid.*, 103.
47. Bishop Guthry, *Memoirs*, 18.
48. *Ibid.*, 14.
49. *RPC*, 2nd series, I, 248-52.
50. The Earl of Pembroke was a Privy Councillor (E) 1624 and Lord Chamberlain of the Household c. 1626-41. *Complete Peerage*, x, 416.
51. *RPC*, 2nd series, I, xlvi.
52. M. Napier, *Memoirs of the Marquis of Montrose*, 2 vols. (Edinburgh, 1856), I, 6-11; *SP*, VI, 239-41. The Earl's wife was a sister of the 2nd Earl of Gowrie whose part in the Gowrie Conspiracy of 1600 cost him his life and his family its name and estates.
53. Between October and December 1626 there was no quorum on eight occasions. In January 1627 the King sanctioned a quorum of nine, to include state officers. *RPC*, 2nd series, I, lvii-lviii.
54. *RPC*, 2nd series, I, 275-80. To a Council of twenty-two were added six peers, who were not members, fourteen lairds and representatives from all the burghs.
55. *RPC*, 2nd series, I, 351-3.
56. W. Forbes, *Treatise on Churchland and Tithes* (Edinburgh, 1705), 260.
57. *Ibid.*, 260-261.
58. An action to set aside and disprove a deed.
59. Balfour, *Historical Works*, II, 146.
60. *RPC*, 2nd series, I, 422.
61. HMC, Laing MSS, I, 172-3.
62. NLS, Denmilne, fo. xviii, 33.1.4.
63. Burnet, *History*, I, 26-7.
64. *The Book of Caerlaverock*, ed. W. Fraser, II, 37-38; *SP*, VI, 482-5. The 8th Lord Maxwell, Nithsdale's father, was killed in an affray with the Johnstones when acting as Warden in 1593. His eldest son, the 9th

Lord Maxwell murdered a Johnstone in revenge in 1608.

65. HMC, Laing MSS, I (72), 173. Letter of 13 October 1626.
66. Forbes, *Treatise*, 260-2; Balfour, *Historical Works*, II, 155; HMC Laing MSS, I (72), 175.
67. NLS, Denmilne, fo. XVIII, 33.1.4. fo. 5. The King's meeting with Rothes took place on 13 January 1626. Subsequently he was entrusted by the King with Mar's commission in February 1627; HMC, *M&K* (1904), 155.
68. *RPC*, 2nd series, I, clxxx.
69. Balfour, *Historical Works*, II, 154; *RPC*, 2nd series, I, 485n; *Stirling's Register*, I, 117.
70. Balfour, *Historical Works*, II, 155.
71. W. Forbes, *Treatise*, 265; *RPC*, 2nd series, I, clxxvi, 456-7n.
72. Lee, *The Road to Revolution*, 46.
73. *Stirling's Register*, I, 109.
74. NLS, fo 80, No. 27, Loudoun to Morton, 7 April 1627.
75. J. Connell, *A Treatise*, III, Appendix, 71-79; *Reg.Mag.Sig.S.* (1620-1633) No. 1014, 357-8; *RPC*, 2nd series I. 509-16. The new Commission had sixty-eight members. All Estates represented as at a Convention. A quorum of twelve was required, including the Chancellor and Archbishop of St Andrews.
76. *RPC*, 2nd series, I, 233.
77. *Ibid.*, I, 331-333, 450, 446-7, 543.
78. *Ibid.*, I, 522-3.
79. *Ibid.*, I, 159, 170.
80. *Ibid.*, I, xxxi, 269, 285, 418, 455, 501.
81. *Ibid.*, I, 631.
82. *Ibid.*, iv, xxvii, 564, 578, 580-82.
83. *Ibid.*, vol. III, 53-54.
84. *Stirling's Register*, I, 268-9, The King to the Privy Council, 28 March 1628.

85. Sir W. Fraser, *The Red Book of Menteith*, 2 vols. (Edinburgh, 1880), I, 335.
86. Balfour, *Historical Works*, II, 153; *RPC*, 2nd series, I, 495-496.
87. *RPC*, 2nd series, I, 495.
88. *Ibid.*, I, 169.
89. *APS*, V, 80-85.
90. *Book of Caerlaverock*, I, 344; *RPC*, 2nd series, I, 334-5, 337-8, 191.
91. The Earl of Nithsdale, the current Collector of Taxation, was to pay the money to Sir James Baillie, Treasurer to the Navy: Balfour, *Historical Works*, II, 139; *RPC*, 2nd series, I, 367-8.
92. Marwick (ed.), *Records of the Convention*, III (1615-1676), 237. No records of the Royal Burgh Conventions exist between March 1631 and July 1649.
93. Macinnes, *Charles I*, 31. The author's figure of 100,000 or 10 per cent of the population is of Scots who reputedly went abroad as colonisers or soldiers during the seventeenth century.
94. T. Fischer, *The Scots in Germany* (Edinburgh, 1902), 72, 73: he mentions thirteen Scottish regiments which, at different times, were in the Swedish service; *The History of the Scots Brigade in the Service of the United Netherlands 1572-1782*, ed. J. Ferguson, 3 vols., SHS (Edinburgh, 1899-1901), I, xi-xiii: three regiments, one of them the Earl of Buccleuch's, were serving in 1628.
95. Fischer, *Scots in Germany*, 73.
96. W. Forbes-Leith, *The Scots Men-at-Arms and Lifeguards in France* (Edinburgh, 1882), 2 vols., I, 116-7: Hepburn's regiment, which was one of them, is now the Royal Scots, the oldest regiment in the British Army; F. Michel, *Les Ecosais en France et les Français en Ecosse*, 2 vols. (London, 1862) II, 5-8.
97. *RPC*, 2nd series, I, 320-1, 347-8, 389. After weighing up what is often contradictory evidence, a figure of 3 per cent of the population is suggested of Scots serving in seventeenth-century foreign armies.
98. *Ibid.*, 196.
99. Sir W. Fraser, *The Chiefs of Grant*, 2 vols. (Edinburgh, 1883), I, 211-12.
100. *Stirling's Register*, I, 56, 96, 128; Balfour, *Historical Works*, III, 154; T. Fischer, *The Scots in East and West Prussia* (Edinburgh, 1903), 134.

101. NLS, fo. 80, no. 28, Earl of Loudoun to Earl of Morton, 2 October 1627; *Stirling's Register*, I, 146.
102. Fischer, *Scots in Germany*, 73.
103. *RPC*, 2nd series, I, ix, 565-8, 628.
104. *Ibid.*, I, 561-2, 565-6; T. Fischer, *The Scots in Sweden* (Edinburgh, 1907), 87: pay was a year overdue in 1622.
105. W. Fraser, *Book of Caerlaverock*, II, 92.
106. *Stirling's Register*, I, 64.
107. *Ibid.*, 53, 96, 128. *RPC*, 2nd series, I, 531, 539.
108. *APS*, V, 50-51; C.S. Terry, *The Army of the Solemn League and Covenant 1643-47*, SHS, 2nd series (16) (Edinburgh, 1917), 2 vols, I, ix, x: 10,000 Scots are said to have served under Gustavus Adolphus and 100 were commissioned in 1632.
109. *Stirling's Register*, I, 131, 132, 139. W. Fraser, *Book of Caerlaverock*, I, 347.
110. A. Lang, *History of Scotland*, 4 vols. (Edinburgh, 1900-1907), I, 339-340: James III was seized by a group of whom the most conspicuous member was Sir Alexander Boyd in 1466. The Gowrie Conspiracy is a disputed event; G. Donaldson, *James V-James VII*, 203.n.; 'The Gowrie Conspiracy', F. Arbuckle, *SHR*, XXXVI (1957), part I, 1-24, part II, 89-110.
111. Sir R. Gordon of Gordonstoun and G. Gordon of Sallach, *A Genealogical History of the Earldom of Sutherland* (Edinburgh, 1813), 455.
112. Calderwood, *History*, II, 385.
113. Bishop Burnet, *The Memoirs of the lives and actions of James and William Dukes of Hamilton and Castle Herald* (London, 1677), 11; *SP*, VI, 509-520. The 2nd Lord Ochiltree had both gained and subsequently lost the Earldom of Arran which was an old Hamilton title.
114. McGrail, *Stirling*, 109; G. Insh, *Scottish Colonial Schemes 1620-1686* (Glasgow, 1922), 104-110; *Stirling's Register*, II, 513-4.
115. Insh, *Scottish Colonial Schemes*, 106.
116. *RPC*, 2nd series, I, 248.
117. *State Trials*, 1809-28, III, 500; Fischer, *Scots in Germany*, 74: on a German inscription it is claimed, somewhat over-optimistically, that Mackay's Highlanders could march 80/100 miles a day. Their weapons

were described as muskets, bows and long knives. Bows were still Highland weapons at that date: D. Gregory, *Archaeologia Scotica*, 5 vols. (Edinburgh, 1831), III, 252-4; 'Notices . . . relating to a levy of Highland bowmen to serve in a war against France . . . 1627'.

118. NLS, Wodrow, fo. 42. No. 96; *State Trials*, 'Lord Reay's Declaration', III, 427.
119. *State Trials*, III, 435-6.
120. *Ibid.*, III, 436.
121. *Ibid.*, III, 430.
122. NLS, Wodrow, fo. 42, nos. 95 and 97; HMC, *M&K* (1904), 181-191; *Menteith*, II, 138-9, Letter from Sir Thomas Hope to Menteith, 7 December 1631.
123. *State Trials*, III, 448.
124. *Ibid.*, III, 447.
125. *Ibid.*, III, 448.
126. HMC, Laing MSS, I (72), 187.
127. SRO GD, 112/39(1), 458, 460, 462, 464, 465, 467.
128. *State Trials*, III, 425-6. The charge was that 'it tended to the sowing of sedition betwixt his Majesty and the said Noblemen at Edinburgh'. Charles I AD 1631, HMC, *M&K* (1904), 181-191.
129. His advocates were Mr Robert Nairne, Mr Alexander Pierson, who acted for Lord Balmerino three years later, and Mr Gilbert Nielson. *State Trials*, III, 456.
130. *RPC*, 2nd series, IV, 348.
131. Gordon, *Sutherland*, 458.
132. *CSPVen.*, 1629-1632, Vol. XXII, A. Hinds (ed.), London 1919, 523.n.; *Calendar of State Papers Domestic Series of the reign of Charles I (1625-1641)*, ed. J. Bruce and W. D. Hamilton, 17 vols. (London, 1858-82) 1631-1633, 164; Douglas, *Peerage of Scotland*, II, 329.
133. *State Trials*, III, 483-4; *Proceedings in the Court of Chivalry on an Appeal of High Treason* by Donald, Lord Reay against Mr David Ramsay etc.
134. *State Trials*, III, 511-12. The fight was to take place at Tuttle Fields near Westminster on 12 April and the designated weapons were a large sword, a short sword, a pike and a dagger.

135. *State Trials*, III, 513-514.
136. *Ibid.*, III, 457.
137. *Menteith*, II, 41.

Chapter 5

THE RISE AND FALL OF MENTIETH, 1626–33

Between 1633 and 1635 Lord Ochiltree incurred the King's displeasure. In doing so he shared the fate of three other Scottish peers, the Earl of Menteith, Lord Balmerino and Lord Napier, though none of them were punished as severely as was Ochiltree. At first sight it might be supposed that all four owed their disgrace to a dramatic shift in royal policies or the deliberate defiance of such policies by four strong-minded or possibly reckless individuals. Neither of these conjectures, however, accords with the facts.

Lord Ochiltree was the victim of his own misjudgment and prejudices, but though his actions attracted the hostility of his fellow peers, there was no active demand on their part to see him so harshly punished as he was. Lord Balmerino, on the other hand, when he stood his trial, was seen, rightly or wrongly, as the innocent victim of royal injustice. Lord Napier was incautious enough to promote policies which antagonised those who were not only more powerful than himself, but closer to the King.

In the Earl of Menteith's case the enmity he provoked came from his fellow nobles and the fate which overtook him illustrates how ruthlessly they would act in defence of what they saw as their privileges. The royal descent to which the Earl laid claim, if conceded, brought in its train material benefits. With so many other peers who could also claim a royal descent through the numerous progeny of King Robert II, it is not surprising that they acted in the way they did.

Out of the four peers concerned, only two, Balmerino and Ochiltree, could

blame their downfall on the King. However, the disgrace which overtook so many in such a short space of time provoked a fear among the nobility that their sovereign did not share his father's respect for the aristocracy of his homeland. Traditionally, in a country as small as Scotland, the links which bound the peers to the Crown were very close. Although these links were less apparent to Charles than to any of his predecessors, it is ironical that out of all the Scottish lords, the one to whom he was closest and whom he trusted most, namely Menteith, was among those disgraced.

The Earl was appointed President of the Council in January 1626 in succession to the Earl of Montrose, and by a later commission, dated 16 May 1631, the office was conferred on him for life.¹ In the same year he was also promoted to the office of Justice General. Before 1627 it had been in the hereditary possession of the Earls of Argyll but it was Charles I's policy, as it was his father's, to abolish such hereditary honours.² The post was granted to Menteith, in the first instance, for one year only but this was renewed annually until 1633, when the Earl ceased to hold public office. In 1630 he was made a member of the English Privy Council. As his career blossomed, so did his wealth. As a reward for his public service, the King made him a gift of £5,000 stg. to be paid when the money became available.³

How much, out of the sums promised him, Menteith actually received is open to question. Some of them represented the repayment of debts incurred in the royal service and at all times money was easier for the King to promise than for the Treasury to find. Even allowing for this however, by 1629 the Earl was a rich man as well as a successful public servant and a valued adviser to the King on Scottish affairs. He had come a long way in a very short time.

How had this happened? His success he owed in part to an awareness that what the King wanted most from him was the ability to secure in his northern kingdom the implementation of policies formulated at court. On this score the King was satisfied with his performance. As early as 1627 the Earl was thanked for his work in promoting the Revocation.⁴ Four months later he was entrusted with the task of persuading some of the more influential nobles to sign submissions before they were presented to the Commission in public.⁵ When plans were first drawn up for the King's coronation in Edinburgh it was Menteith who was charged with ensuring the repair of all the royal palaces. In 1628 growing disorder in the Middle Shires led the King to consider setting up such a Border Commission as had existed in the previous reign.⁶ Menteith was again consulted and what emerges from the correspondence is that Charles not only sent him instructions, but occasionally asked for his opinion. In 1629 he sought the Earl's view on how the recently published decreets (judgements passed in a court of law) had been received.⁷

In all matters relating to the administration in Scotland, the King not only had objectives but demanded action to bring them about. Some of his aims, as has been seen, were inherited from his father, but in fields where he believed a profit might be made, he had ideas of his own. This was true of the Fishing Association, the merits of which he set out to promote at the 1630 Convention, but it also applied when in 1629 the feuing of Orkney and Shetland was in question. On that occasion the King wrote to Menteith asking him to consult with the Exchequer regarding the islands' finances.⁸ At a later date, because of this earlier interest, Charles may have listened more readily to Lord Napier's enemies, when they accused Napier of profiting from his lease of the

islands.⁹

In all his policies the King could count on Menteith's loyal support. He also liked him. With these factors in his favour, the Earl could have looked forward to a bright future with an assured position both at court and in Scotland. All this he lost in his pursuit of the vanished earldom of Strathearn. When James VI passed an Act in 1617, proscribing heritable rights, a period of thirteen years was allowed, during which claims relating to estates could be lodged. Before it was too late Menteith decided to act. It was a rash decision.

The lands he coveted formed part of the royal earldom of Strathearn, annexed to the Crown in 1427. The title had a contentious history. It had been given in 1357 to the future Robert II and conferred by him in 1371, on Prince David, his eldest son by his second marriage to Euphemia Ross. Before that event took place King Robert had lived with Elizabeth Mure by whom he had 'many children of both sexes . . . fair to behold'. He married her eventually in 1347, but only after the grant of a papal dispensation. By canon law the marriage of parents legitimised any children born to them before it took place, but in this instance there were doubts whether the King and Elizabeth Mure were not within the forbidden degree of consanguinity. If they were, doubts also surrounded the legitimacy of their offspring. Out of the twenty-one (or more) children fathered by Robert II, only the four born of his second marriage to Euphemia Ross were unquestionably legitimate. Of these four, David, Earl Palatine of Strathearn, as mentioned earlier, was the eldest.¹⁰ After his death the title passed, through his only daughter Euphemia, who married Sir Patrick Graham of Kincardine, to their son, Earl Malise. Robert III was succeeded on the throne by James I, his eldest surviving son by the Mure marriage. When

he returned to Scotland in 1424, after eighteen years of captivity in England, he dealt brutally with the near relations who might put forward a rival claim to the throne. Among them was Malise, Earl of Strathearn. He was stripped of his title (which James I claimed was a male fief), along with a part of his great possessions and sent to England as one of the hostages demanded to secure the King's release.¹¹ His cause was taken up by his uncle, Sir Robert Graham, who after renouncing his allegiance to James I in parliament, brought about the King's murder.¹² The Grahams were not forgiven. When it was suggested to James VI two centuries later that the Strathearn title might be revived, he reminded the applicant angrily of Sir Robert's treachery.¹³ The Earldom of Menteith was given to Malise Graham by James I as a lesser substitute for Strathearn. The 7th Earl was his direct descendant.

In claiming the lost earldom and some of its lands, Menteith probably anticipated opposition and accordingly he acted cautiously. Having first asked the King for permission to search the public records (obtained on 9 November 1629) he engaged Sir Thomas Hope, the King's Advocate, as his legal adviser.¹⁴ Sir Thomas owed him a favour. In a number of letters he addressed to the Earl in 1631, he had begged Menteith to secure a place for his son on the Court of Session. His wish was granted in 1632.¹⁵

Sir Thomas advised the Earl that the lands he sought fell into two categories. Some were annexed to the Crown. Other belonged to subjects and for these he could submit a claim. In approaching the King, Menteith was careful to acknowledge that as Strathearn had passed to the Crown and the land was held by vassals owning the King as their superior, he renounced all claim to the earldom of Strathearn, so long as this did not prejudice his right

to the dignity.¹⁶ In the renunciation which he signed he promised to obtain a service of himself as heir of David Earl of Strathearn (a procedure by which heritable property was transmitted to an heir).¹⁷ The King was satisfied with a deal which cost him nothing and he encouraged Menteith to gain possession of any other land once the property of Prince David to which he could establish a right. He also promised to pay compensation for the renunciation.¹⁸ After Sir Thomas Hope had ensured that all legal requirements were met, a jury was appointed to consider the evidence and it accepted Menteith's claim. (In legal language procurators (solicitors) were appointed to raise a brieve of inquest, a legal document issued by the king, which ordered a trial.) On 31 July 1631 Menteith became Earl of Strathearn.¹⁹ In the same year further grants of money were made to him, £18,000 stg. in February and £15,000 stg. in December.

Whether this was new money or a belated payment of money already owing to him is not clear. Established in his new dignity, Strathearn set about acquiring more land. Some he bought from its owners. He paid 52,000 merks for the barony of Drummond and in 1632 he added Airth to his estates.²⁰ It was only when he put in a claim for Strathearn lands belonging to others that he succeeded in uniting all his enemies against him. In a country where the nobility was not only a numerous body but one which felt itself to be largely excluded from court patronage, Strathearn's triumph was unwelcome.²¹ In claiming lands once part of the earldom, he offended a number of influential figures who stood to lose through any change of ownership. The Chancellor, Hay (now Viscount Dupplin), was one of them. Worst of all in the eyes of his peers was Strathearn's arrogant assumption of a royal title to which no subject,

in their eyes, was entitled.

The campaign which brought him down was organised, in the first instance, by Sir John Scot of Scotstarvet, the Director of Chancery. In his own account of it, Scot accused the Earl of ingratitude. Having promoted Menteith's advancement when he first came to court, Scot, he claimed, was subsequently dropped by the Earl on the advice of Sir Thomas Hope.²² Scotstarvet's attack on Strathearn was couched in the form of a printed circular listing six suggestions every one of which, in one commentator's opinion, 'rested on principles of expediency'.²³ These were brought to the King's notice, as their author had intended.

The King thereupon instructed three lawyers, Sir James Skene, President of the Court of Session, Sir Archibald Acheson of Glencairn, the King's secretary, and Scotstarvet himself, to submit their opinion. Their reply came back in the form of questions and answers, all designed to destroy the King's trust in Strathearn. One answer criticised the latter's 'boldness' in putting forward the claim he had, but Sir John Scot went further. Having access to the King through James Maxwell of the Bedchamber, he presented Charles with a document prepared by his own brother-in-law, Sir William Drummond of Hawthornden, in which Strathearn was condemned as a traitor.²⁴ The King's first pained reaction was that 'it was a sore matter than he could not love a man but they pulled him out of his arm'.²⁵ Subsequently, when Strathearn met the King, he was informed that he must exchange his earldom for that of Airth.²⁶ Under the auspices of Sir Thomas Hope, who was now acting in his official capacity of King's Advocate, a legal document was prepared, declaring that Prince David's 'alleged' daughter had died without succession. This fact

everyone, including the King, knew to be untrue.²⁷

On 21 January 1633 the Earl of Strathearn lost his regal title and became more humbly the Earl of Airth. The earldom of Menteith, with precedence dating back to 1427, was annexed to the newly created earldom. In a friendly letter dated 23 February, the King still addressed him as Strathearn.²⁸ Those who had sat on the earlier jury now met again to reverse their earlier decision. Sir John Stewart of Traquair, the Treasurer Depute, though he was pursuer (prosecutor) 'sat, judged, reasoned and voted'.²⁹ Sir John Scot was only one among several who wanted Airth's disgrace to go further. The Earl of Morton had also turned against him, as the price for his support had been the Garter, which he had not been given.³⁰

Airth himself, dismayed at the way the case had gone against him, lost confidence in Hope and sought the advice of Traquair.³¹ With no powerful backers behind him, Airth faced a second charge, namely that he had claimed his right to the throne was as good as the King's.³² Morton and Dupplin warned the Queen of the threat such a claim posed to her children, and the news alarmed her.³³ As the charge against Airth was supported by Sir James Skene, the latter was asked by the King to supply details collected from witnesses, of the Earl's criminal indiscretion. When asked, some were vague in their recollection. The most detailed evidence came from the Dowager Marchioness of Hamilton, though she was not called as a witness.³⁴ With her son's interest at heart, she had reason to resent Airth's dynastic pretensions. For the accused there was no way out. The words of which he stood accused, he denied. If he had ever spoken them, 'I was either drunk or mad'.³⁵

The date chosen by the King for the Earl's trial was 24 June 1633, a time

when His Majesty was to be in Edinburgh, but it did not take place.³⁶ The rumour in the town was that 'he is to be forfeit and addicted [*sic*] to perpetual imprisonment'.³⁷ It was only on 8 November 1633 at a Council meeting, that the King's decision on Airth was announced. He must resign all his offices and forfeit his pension.³⁸ He also agreed to retire to the country and live on what was left of his estates.

The lengths to which Airth's enemies went in securing his conviction displayed both ruthlessness and a shrewd assessment of the King's character. There is no evidence that Charles I believed any of the charges levelled against a royal adviser he both liked and trusted. Where Scotstarvet and his allies acted adroitly was in drawing his attention to the embarrassment which might arise through Airth's claim. Scot also made it look foolish to pay the Earl for renouncing honours to which he had no right. The King's own father, Scotstarvet reminded him, had denied the disputed earldom to any subject. He also underlined Airth's arrogance in crediting himself with a royal descent and his folly in attempting to gain possession of the Strathearn lands.

Airth, for his part, was bewildered by the enmity he had aroused.³⁹ In a letter to the King he reminded him that it was only with his approval that he had taken any of the decisions which had proved his undoing.⁴⁰ In another letter he warned him against Traquair's treachery, adding that he had been deceived himself.⁴¹

What Strathearn's case shows is the extent to which an English-based king could be manipulated by his Scottish subjects. The weight of evidence so skilfully marshalled against the Earl was too damaging for a monarch to ignore. It probably strengthened the case brought against him that the King's

wife sided with Airth's enemies. Charles's weak position was further underlined by the reluctance, which amounted almost to a refusal on the part of the Scottish Treasurer after 1633, to respond to his repeated requests that Airth should be paid some of the money still owing to him.⁴² The King wanted Airth to be paid 12,120 merks when the money became available and £500 stg. a year in the interim. He also agreed to buy the Earl's house at Holyrood for 18,000 merks. In return Airth was to renounce any claim on other money owing to him.

The Airth case reveals the short-term view of politics entertained by most Scottish nobles. Airth was a valuable link between the King and his Council. His interests were in Scotland, not at court. He did not provoke dissension, though his spectacular good fortune inevitably aroused envy. Above all, he had no powerful rival. What undid him was neither incompetence nor any damaging scandal, but his ambition to acquire the earldom of Strathearn. On this issue the nobility was united. With so many of them also claiming descent from Robert II, Airth's pretensions inevitably provoked undisguised resentment among his fellow peers.

Menteith began his hazardous pursuit of the earldom of Strathearn in 1629, but it was not until 1633 that he was stripped of public office and denied a presence at court. In 1630, while his case was still proceeding smoothly, with a favourable outcome in prospect, two events took place in Scotland, in one of which the Earl was closely involved.

In the records of the Privy Council, the Convention of Estates held in 1630 passed almost unnoticed and to an Aberdeenshire writer like John Spalding, the Fire of Frendraught was the only event of any significance which took place

that year.⁴³ From other sources a different picture emerges. The legislation proposed proves that the Convention was an important national event.⁴⁴ In addition, a revealing letter in which the author, Sir William Alexander, Secretary of State, describes the parliamentary proceedings offers an eyewitness's account of how it was conducted. A contemporary recorded the numbers of those taking part. There were forty-two nobles, ten bishops, four state officers, twenty-six lairds and eighteen Burgh Commissioners.⁴⁵

The King sent detailed instructions to Menteith on how he was to conduct proceedings at the Convention.⁴⁶ No motions were to be proposed unless they came from the Clerk Register with the approval of either the King or Menteith. Any money levied through taxation was to be spent on the purchase of feu duties and superiorities. The Convention, the King emphasised, must establish submissions by decret which, in the event of a dispute, should be settled by Act of Convention.⁴⁷ On 18 June the King wrote again, expressing confidence in the loyalty he felt was owed him by his chief ministers.⁴⁸

The mood which greeted Sir William Alexander when he reached Edinburgh from Whitehall was one of anxiety. Rumour was in the air, he told the King. The Papists feared new impositions, and everyone dreaded high taxation. In his capacity as Secretary of State, Sir William worked hard to prepare 'some people rightly' for the forthcoming convention. To the Chancellor and the Earls of Menteith and Morton he delivered the King's articles (instructions). With them came a letter giving them leave to alter these should the need arise. They decided to leave them alone.

The Council was faced with a dilemma. News had reached Menteith that 'sundry noblemen' intended to present a Supplication to the Estates craving

their support for a petition asking that the Five Articles of Perth should not be enforced.⁴⁹ Menteith asked his fellow Councillors for their advice. Their answer was that, as the motion would be carried, it was better not to read the Supplication out at all. Sir William pointed out that if this happened, there would be a complaint that the Council aimed to master the Convention. On the other hand it was 'the only expedient to prevent a greater inconvenience'.⁵⁰

The next day the paper was presented and, as Sir William reported, a 'tumult' ensued when a reading of the Supplication and a vote were both refused by the officers of state. This provoked a debate on the authority to which both the Council and the Convention laid claim. To the latter's arguments Morton, speaking for the Council, replied that as its power derived from the Crown, in the King's absence it could both convene and dissolve a convention. This had to be conceded but his opponents insisted that this did not mean they could be 'directed while sitting'. The session ended, as Sir William noted, with 'a great deal of discontentment'.

The following day, when the Chancellor was present, 'the same matter was raised, but disguised in form'. The argument revolved around lay patrons, and their right to present suitable applicants for admission to the ministry. These were often refused, it was claimed, because the bishops insisted they should take an oath not sanctioned by Parliament (the 1626 Act). The Act, it was pointed out, allowed a fine but not an oath. 'So the petition feared to be grounded on a civil cause and not pretended to be sworn . . . yet knowing it to be the same in effect, it was refused to be read in like manner'. In his letter Sir William told the King that no one had voted against the taxation, though it was 'as big as ever any before'.⁵¹ It amounted to the same as that voted in

1625. The ordinary was to be paid in four terms and the extraordinary in eight at four-term intervals.

The only objection, he reported, was to officers of state having the vote. The meeting had been a good one, he assured his sovereign, with no serious discord. In contradiction to this he admitted that the body of the Estates would have voted for the Supplication had the leading men 'not joined for Your Majesty'. Those who had been most vocal in opposition came to him afterwards 'asking me to point out how earnestly they ran in all Your Majesty's service . . . their error proceeding only from a scruple of conscience'.⁵²

Sir William Alexander's letter did not cover all the Convention's business. The King's instructions to the Chancellor came under four headings.⁵³ The first concerned the Revocation. He wanted the Convention to consider the best course for valuing the teinds and urged it to speed up the process. Wool manufacture was the second point to which the King drew the Convention's notice. He called for its improvement. As a third aim, he asked delegates to consider the kingdom's laws in preparation for the next Parliament. His fourth point concerned his projected visit. It was postponed, he informed the Chancellor, for a further year, but when it came, the cost would be great. Money was also required to buy up heritable offices.⁵⁴ For all these reasons the King required as heavy a tax as the Convention would agree to vote him.

In the course of the ten days during which the Convention sat, a number of important acts were passed. The small barons were still 'in great fear' of the Revocation and in an attempt to gain wider support for it, concessions were offered.⁵⁵ £100 Sc. out of £1,000 Sc. due in tax was allowed to those lords

of erection who had surrendered their superiorities. This was intended as compensation for the ingathering of the taxation.⁵⁶ At the same time the four decreets arbitral (the final sentence of a judge) passed on 2 September 1629 were ratified. They gave heritors the right to retain a fifth of their own teinds free from redistribution; they could purchase this fifth at nine times the current annual value.⁵⁷ The Scottish concern over status emerged when the Marquis of Huntly sought an assurance that the low rank accorded to him at the current Convention would not affect his precedence at future parliaments. The preoccupation of the Scottish nobility with precedence and the importance it attached to descent is nearer to the French than the English view of seventeenth-century society. The efforts made by and on behalf of M. de Bouteville in pursuit of the dukedom of Piney which so amused Saint-Simon would have been more readily understood in Scotland than in England.⁵⁸

On the second day of the debate, Sir William Alexander introduced the King's proposal to form a company which would be named the Association of the Fishing. From the Crown's point of view its main attraction was the income an optimistic calculation claimed it would generate. An annual profit of £165,414 Sc. was forecast.⁵⁹ The scheme was an ambitious one, with all three kingdoms taking part and the expense involved was considerable. Two hundred vessels of between thirty and fifty tons were needed, with the Treasury finding the money.⁶⁰ The belief that an injection of capital into fishing would prove of financial benefit to the Crown appealed to a king who was always short of ready money. He may also have learned that the fishing industry was expanding and could prove profitable. Already, between 1611 and 1614 the yield from salmon and herrings amounted to £15,000 Sc. By the

1620s the annual catch of herrings was between six and seven million fish a year.⁶¹

It is not surprising that the King looked with favour on proposals which at first sight may have seemed to him both profitable and popular. To the Convention the scheme appeared in a less favourable light and after a debate it withheld its approval. Although one of the Association's aims was to protect the seas from the inroads of an active Dutch fishing fleet, which aroused the resentment of Scots and English alike, the Convention remained suspicious of the role England might play in the new enterprise.⁶² Its members knew of the difficulties Nathaniel Udward faced in exercising his right (granted in 1625) to fish for whales off Greenland. Through the company he had founded he hoped to supply his soap business with the oil required in its manufacture but his ambition was frustrated by the opposition it encountered from a London firm competing against him. Although the Royal Burghs resented Udward's soap monopoly, and ensured that his patent was not renewed in 1634, they shared the Council's fear that in any trading venture which involved England, Scotland would emerge the loser.⁶³ The Burghs raised other objections to the Fishing Association. They were opposed to the proposal that inland waters should be included in the plan.⁶⁴ They were no better pleased by the suggestion that Lewis should become the Association's headquarters. This revived memories of 1629, when the Earl of Seaforth's attempt to make Stornoway a Royal Burgh provoked opposition from many of the Royal Burghs already in existence.⁶⁵

The Convention appointed a committee to look into the fishing scheme. It pronounced it to be 'inconvenient' and a decision was delayed till the Council

met in November.⁶⁶ Part of the opposition the committee encountered sprang from an entrenched conservatism which governed current fishing practices. Like the tanners who, as previously noted, stoutly resisted Lord Erskine's attempt to bring in more sophisticated English workmen, they saw no benefit in change.⁶⁷ With no backing from the Council, the Association faltered. No money was found to build the ships required and without them no progress was possible. The Burghs saw no profit in any fishing venture not run by themselves. The Dutch, as a result, continued to make free use of the Scottish fishing grounds. In 1636 their success and the Association's failure became evident when foreigners were given leave to join the very body initially intended to protect native fishermen against them.⁶⁸

The King's ill-fated scheme was not without merit, but to the Convention, whose views coincided with the Council's, the capital outlay required made it impracticable. In dealing with two countries so unequal in terms of wealth as Scotland and England, Charles I never fully understood how heavy a burden taxation in any form was felt to be by his northern subjects, nor how strong was their sense of injustice whenever the Crown attempted to increase its income at their expense. At the 1630 Convention, when the taxes imposed were no more than those agreed to in 1625, they were nevertheless considered unreasonable.⁶⁹ The Royal Burghs were still resentful of the fact that the tax on annual rents, which at its inception was both called and considered extraordinary, by 1630 formed part of the ordinary tax burden.

In economic matters the King was the victim, as were his advisers, of a system not equipped to provide the Crown with the annual income required to finance mounting administrative expenses. Pensions remained an insoluble

problem. When paid to court favourites they were particularly unpopular but this ignored the fact that there was no other way of paying either favourites or the state officers (who could be the same people) on whom the royal administration depended.

To sustain the country's fragile economy was an unenviable task. Whether the Earls of Mar, Morton and Traquair, who served successively as Treasurers under James VI and Charles I between 1616 and 1641, proved equal to the task deserves consideration. All were faced with constraints which limited the options open to them. Of the three, Morton was the least politically active. By raising between 2,000 and 3,000 men to serve under Buckingham at La Rochelle, he earned the King's gratitude, and as a member of the Privy Council since 1621, he had sat on a number of committees.⁷⁰ His career was also advanced by his social standing, the support of Menteith and an easy disposition. The extensive Morton manuscripts indicate how little jealously he aroused and how many contemporaries appeared to find him trustworthy.

Traquair was the *arriviste* among the three, ambitious and grasping any opportunity open to him of exploiting the ability he knew himself to possess.⁷¹ Compared to Mar and Morton, it was he who advanced the most constructive views on how the King's revenues might be increased. His success in this field, on the eve of the Troubles, only increased his unpopularity.

Mar, King James's favourite 'gossip' (intimate), belonged to an older world, in which the earldom of Mar occupied an assured position. He was at ease in high office, which he had enjoyed under two kings, serving as Treasurer to both for fourteen years. In spite of the experience acquired during

that time, he lacked Traquair's quick grasp of financial opportunities which stood to benefit the Crown. His own ambition centred on improving his family's fortune. Before his time it had suffered heavy financial losses. Consequently he saw as his main task the recovery of estates alienated by the Crown between 1435 and 1565 or lost to the Elphinstone family.⁷² With a household of eighty-one to support, the Earl was always concerned over his expenditure, while an improvident son added to his worries.⁷³ In common with other state officers Mar felt obliged to neglect no opportunity of adding to what he found an inadequate income.⁷⁴ The relationship between an old, cautious public servant, and a young, impatient king was not an easy one, but Charles respected Mar as one of his father's oldest friends. He also acknowledged the ties of kinship which meant so much to the older man. In a letter the King wrote to him in 1627 he sent a friendly message to Lady Mar: 'You may tell your wife, my cousin, she should not misdoubt me, if she but remembers what my surname is.'⁷⁵

With much of his time devoted to his own affairs, the Earl was fortunate in having under him two able Treasurer Deputes. From the fate which overtook both of them can be seen how vulnerable was the post they occupied. The first of the two was Sir Gideon Murray, who died in 1621. His dismissal was brought about by Lord Ochiltree, who had not forgiven him for criticising his waste of money when leading an expedition to Orkney.⁷⁶ The second deputy, Murray's successor, was Sir Archibald Napier whose father, John Napier, achieved European fame as the inventor of logarithms. He was also General of the Scottish Mint and played a leading part in the London talks of 1604 involving the possibility of minting an Anglo-Scottish coinage.⁷⁷ Archibald

Napier, like his father, was commercially minded, with an inclination to experiment. He had served on the Privy Council since 1617 and was an assiduous committee-man.⁷⁸ Among the early briefs he had been given was one enquiring into the finances of Orkney and Shetland, when it was felt they might be rented (they were Crown property) at a higher fee than that paid currently by Sir John Buchanan.⁷⁹ His appointment in 1622 as Deputy Treasurer was resented by Mar, as already noted.⁸⁰

Napier was a competent businessman who was also in the forefront of agricultural reform.⁸¹ In the belief that his proposals would benefit the King's service, he was prepared to advocate policies which were likely to prove unpopular. In a letter to Annandale (then Viscount Annan) dated 8 January 1624, he wrote: 'It is my duty in all my proceedings to have a care of His Majesty's profit and there I cannot but remember your Lordship of a motion of mine, made to your Lordship, of disburdening His Majesty's service of such officers that are more chargeable than useful'.⁸²

This was not Napier's only suggestion of ways in which the machinery of government might be improved. He saw it as a weakness that only through courtiers or a few members of the Council was the King informed of trends in Scotland, a country which consequently remained to him, in Napier's view, 'a place remote'. As a remedy Napier proposed to organise a form of intelligence service, the purpose of which would be to keep the King in touch with Scottish opinion. It could be run, he believed, both cheaply and efficiently. In a letter to the King he set out what he had in mind.⁸³ What surprises one is Napier's belief that any venture so calculated to offend the leading members of the administration could be contemplated. Several years

later in his 'Essay on Sovereign Power' he extended his thinking to philosophise on the nature of sovereignty in general terms and to analyse the role of kingship in his own society.⁸⁴

Although Charles did not respond to Sir Archibald's letter, he ratified his appointment as deputy to Mar. As noted earlier, in 1627 he both accepted his advice on the coinage and made him a peer. At this point Napier may have thought himself secure in the royal favour.⁸⁵ What told against him was his interference in matters where his proposals provoked the opposition of state officers more powerful than himself. It was also not to his advantage that, in their view, he was 'a mean gentleman'.⁸⁶ In the private account which Napier wrote of his misfortunes he is at pains to prove himself an honest man beset by villains. Such a one-sided picture begs many questions, but it does illustrate the difficulty facing a London-based sovereign in either understanding or judging the motives which brought about his Deputy Treasurer's dismissal.

Napier's first mistake was to meddle in the politics of Orkney and Shetland, of which he must have had some knowledge through his previous committee work. He proposed feuing the islands to their inhabitants with the object of securing a better rent for the King and making money for himself. The rent he paid amounted to 45,000 merks a year and he subsequently sub-let to William Dick, the Edinburgh financier, for more money.⁸⁷ The Crown lands of Orkney and Shetland were potentially more profitable than these figures might suggest. Under the rule of Patrick Stewart, Earl of Orkney, although his rent amounted to £17,000 Sc. only about £2,073 Sc. went to the Crown. In 1542, when the islands constituted Mary of Guise's widow's portion, Orkney brought her in £9,750 Sc. and Shetland £4,210 Sc.⁸⁸ When

attacked over the Orkney and Shetland lease, Napier claimed that his tenancy was of benefit to the islands' people. His acquisition of what appeared to be a valuable asset annoyed, among others, the Chancellor, who had been a previous lessee.⁸⁹ He gained Mar as an ally and Napier's unpopularity was increased by the support, although it was qualified, he gave to the King's Revocation policies. By taking up such a position he was at odds with many on the Council.⁹⁰

As an experienced officer of state, Napier was curiously insensitive to the opposition his reforms was likely to encounter. In 1630 he put forward a proposal to advance the King whatever money was required for his projected visit to Scotland. In doing so, he was bound to meet with opposition from the Chancellor, as Dupplin had already offered the King £10,000 stg. towards the same purpose, if he were given the tax collection in exchange.⁹¹ In making his proposal Napier counted on the backing of the Treasurer, though he knew that Mar was no friend of his. The scheme he offered had practical advantages. It was welcomed by the King, but turned down in Edinburgh, where Mar and others advised instead that a Convention should be called, at which the money needed would be raised through taxation. As Charles did not welcome this solution to the problem, he gave Napier a directive to proceed with his.⁹² By doing so, he ensured, albeit unknowingly, that his Deputy Treasurer's position became untenable, as Napier's promise to him ran counter to his fellow councillors' unqualified refusal.

Napier was left with no influential friends. Menteith, who had the King's ear, condemned him as 'a wilful fool'.⁹³ He was accused of deceiving the King over the Orkney lease and earned some of the Councillors' displeasure

by questioning a scheme put forward, with their approval, by Sir Alexander Strachan, from which a great profit supposedly would accrue to the Crown from wards of marriage and non-entries.⁹⁴ In what was emerging as a well supported campaign Napier's opponents made good use of David Fullerton, a Scot with strong court connections. Through him they were assured of easy access to the King. Among those who profited from this situation was Sir Alexander Strachan, who hitherto had aroused only hostility in Council circles. With Napier under attack Strachan was welcomed by his opponents as a useful ally.

Faced with the charges levelled against him, the King's earlier support for Napier gave way to doubt. On 25 May 1630 he informed Menteith that the Deputy Treasurer must surrender his office.⁹⁵ By August he was impatient to be rid of him and told Menteith Napier must either resign or go on trial.⁹⁶ In September Menteith reported the case's satisfactory conclusion to Morton. 'My master as in all other things has done me right in that.'⁹⁷ In another letter to Morton, Napier blamed his fall on people lacking 'in honesty and honour'.⁹⁸ The unfailingly high opinion he had of his own merits cannot have endeared Napier to his colleagues, nor did he possess the flexibility required in promoting measures by which they stood to lose.

Other factors arising from the nature of contemporary Scottish society told against him. The death of the first Marquis of Hamilton, in 1625, which deprived him of his only powerful patron, was one of them. Mar's jealousy was another. The old Earl never doubted that as the confidant of a king (James VI) and himself a nobleman of the first rank, he could fulfil his official duties without the assistance of a deputy. What escaped him was that Napier's

departure represented a loss to the Treasury. Like Gideon Murray before him, Napier owed any social or monetary advancement he achieved to his competence in office. Mar had other preoccupations. Although one of his contemporaries expressed disapproval of 'the English keeping of state', most nobles in the position he occupied felt it incumbent on them to offer the patronage and hospitality expected of them.⁹⁹ Napier failed in his endeavour to improve the public service with the King's interests at heart. He was a rarity among the Councillors in the single-mindedness he devoted to the task. The account he left of his downfall, though inevitably prejudiced, nevertheless paints a vivid picture of a harassed king, swayed by competing factions and state officers intent on their own advancement.

The Fire of Frendraught coincided with Napier's impending disgrace. Although the tragedy which divided Aberdeenshire in 1630 was far removed from the Court and Council intrigues in which he became entangled, both events illustrate the impact single events could have on the uneasy balance between Whitehall and Holyrood which characterised the early years of Charles I's reign. Lord Melgum's death at Frendraught and its consequences also demonstrated what notable changes had taken place in the country's social structure since the reign of the previous king.

In James VI's day the five families closest to the throne were those whose right to their places was firmly entrenched in history. At the head of the Stewarts, the Hamiltons, the Douglasses, the Campbells and the Gordons stood the Duke of Lennox, the Marquis of Hamilton, the Earl of Angus, the Earl of Argyll and the Marquis of Huntly. Their status was accepted by the King and he knew them all well. With the accession of Charles I, these links were

broken. The young King was genuinely attached to the Marquis of Hamilton, who was his kinsman, and the Duke of Lennox, a Stuart with strong French ties, could also claim a royal descent, but with the Earl of Argyll, who as head of clan Campbell bore the Gaelic patronymic of Mac Chailein Mor, the Earl of Angus and the Gordon chief, the Marquis of Huntly, he had little contact. Although intermarriage was common among the five great families, in many ways they were dissimilar. The house of Angus had declined very sharply over the years and by the time Charles I became king, Angus owed his position less to his possessions than to the hereditary rights conferred on his ancestor.¹⁰⁰

The Campbells of Argyll were notable in never deviating over the centuries from their policy of backing the Crown. As a result they acquired the hereditary office of Justice-General and ascendancy over the Macdonalds who, through the Lordship of the Isles, had once dominated the West Highlands. Like the Huntlys, the Argylls could count on the backing of cadet branches dedicated to the advancement of their chief. Some years before the new reign began, the seventh Earl had forfeited his public position by embracing Popery and serving in the army of Philip III of Spain. In his absence it was his son and heir, Lord Lorne, who acted as clan chief. His father's unpopular foreign links and his adoption of a religion which cut him off from his clan were developments with which Lorne could have little sympathy. They may also have been one reason why his interests, throughout his career, centred on the Campbell heritage within a strictly Scottish frame.

The same was not true of Huntly. What set the Marquis apart from his fellow magnates was the status accorded to him within a European setting. The Catholicism he shared with many of his dependants added emphasis to it. On

home ground it made him suspect politically and a thorn in the side of the Kirk. His estates amounted to a principality, including as they did the old university town of Aberdeen and new Aberdeen, with a harbour open to the Baltic trade. The first Marquis was a favourite of James VI who found him both cultivated and deferential. Part of his youth had been spent in France at the court of Henry III and there he had married a Lennox Stuart from Aubigny, more French than himself. She was Henriette, daughter of Esmé, first Duke of Lennox.¹⁰¹ By the early seventeenth century the Huntly fortunes were in decline. The first Marquis's extravagance was aggravated by an active building programme. 'He gave himself wholly to policy, planting and building.'¹⁰² From the noble ruins of Huntly Castle can be seen how strong the French influence was in his life.¹⁰³

The favour Huntly had enjoyed under James VI disappeared even before that king died. Although Huntly's heir, the Earl of Enzie, had been educated at the English court to ensure a Protestant succession, neither he nor his father ever gained the new king's confidence. In 1624 the Marquis and his son, in spite of their protests, lost the prestigious office of King's Lieutenant, Justiciar and Commissioner for the North, which the family had held for over 150 years.¹⁰⁴ It was given to the Earl of Moray, Huntly's son-in-law, and his commission was renewed by Charles I. In 1629 he lost the heritable sheriffships of Aberdeen and Inverness and the office was awarded to others on an annual basis.¹⁰⁵ Changes so sudden did not promote stability in a wide area where the Gordons were predominant. They also revived an old rivalry between the two houses of Huntly and Moray which went back to the previous reign. An attempt on the part of the second Earl of Moray to wrest power from

the Gordons culminated in the murder of the 'Bonny Earl' in 1592 by his rival the first Marquis of Huntly. James VI endeavoured to restore peace by arranging a marriage between the Marquis's daughter and the dead earl's son. In spite of this, the past was not forgotten. Moray, in the eyes of one contemporary, secured the renewal of his commission in 1629 by persuading Charles that it was in his own interest to curb Huntly's powers.¹⁰⁶

In return for his advancement he had little to offer his royal patron and as Lieutenant he failed to curb the depredations of lawless bandits like James Grant, whose activities feature so prominently in contemporary annals.¹⁰⁷ In 1631 Huntly was not reinstated as a member of the reconstructed Privy Council. His place was taken by Hamilton.¹⁰⁸ While it is likely that the King acted as he did because he considered the power wielded by Huntly too great to be tolerated in a subject, some of his Lowland contemporaries certainly undervalued him.

The Earl of Rothes was one of them. In a dismissive passage he gave it as his opinion that 'he would not give a salt citron for him, for two Fife lairds could keep him from crossing Dundee ferry and half a dozen of Angus lairds could keep him from crossing the Cairn o' Month; that three parts of his house is decayed; and he wants his two sheriffships'.¹⁰⁹ Though Rothes was right in thinking that Huntly was heavily in debt, he may not have been aware of the extent to which the Marquis's rents were paid in kind and as a result how well-stocked were his granaries.¹¹⁰ He also overlooked the fact that the two lost sheriffships were not his only assets.

This was revealed when the Civil War broke out. Without the cavalry Huntly alone could supply, the King's lieutenant, the Marquis of Montrose,

could not have defeated the regular troops sent against him in any pitched battle. With his heir, the Earl of Enzie, commanding the French King's Scottish bodyguard and consequently often abroad, Huntly placed considerable trust in his fifth son, Viscount Melgum.¹¹¹ Unlike his brothers, Melgum was an uncompromising Catholic, as was his wife.¹¹² He had never embarked on a foreign career but had instead concentrated on defending the Gordon interests at home. For this reason he was closer to the clan than any other of Huntly's sons. The fact that the Marquis obtained a peerage for such a junior member of his family would seem to indicate that he sought to promote the Catholic policies which Melgum, alone among his sons, actively pursued.

The famous fire, of which Melgum was a victim, illustrates the violence of a society in which blows could so easily lead to bloodshed. Its aftermath threw into sharp relief the impotence of the Privy Council when faced with a blood feud in which Huntly was the main participant. The Frendraught tragedy arose out of a longstanding quarrel between the Marquis and the neighbouring Crichtons of Frendraught. A previous clash between James Crichton and Huntly was revived in 1630 when a dispute over stolen horses, in which Frendraught and others took part, resulted in the wounding of James, the son of John Leslie of Pitcaple, a follower of the Marquis. Frendraught had already earned the latter's disfavour by killing William Gordon of Rothiemay, following a dispute over salmon fishing rights on the Deveron river.¹¹³ The feud was patched up and the customary blood money paid.¹¹⁴

The wounding of Pitcaple brought the laird of Frendraught to Huntly's seat at Strathbogie (Huntly Castle) in early October 1630. His explanation was accepted and when he set off for home, which lay about seven miles distant,

he was given an escort. The Marquis having heard that the Leslie's 'did lie in wait for Frendraught', sent his son Melgum and John Gordon of Rothiemay, the murdered man's son, to ensure his safety.¹¹⁵ At Frendraught the visitors accepted an invitation to stay the night. They were housed in a tower next door to the Crichton family's castle. At two in the morning fire broke out in the tower and as its windows were barred, Melgum, Rothiemay and four of their attendants, were burnt to death.¹¹⁶ As Frendraught was a Protestant, the fire was thought by some to have religious overtones. This ignored the fact that he was married to a Catholic, who was a cousin of Huntly's.¹¹⁷ Very few believed the fire could have been an accident, though there is one reason to think that it was. The family archives and a store of money were kept in the vaults of the tower. Knowing this, Frendraught was not likely to risk their destruction.¹¹⁸

In a contemporary ballad, the Gordon version of the fire is given in detail. Its author was not in any doubt that Lady Frendraught had plotted Rothiemay's death, with Melgum involved only because he happened to be with him in the tower.

Oh then out spoke her Lady Frendraught,
And loudly did she cry;
'It were great pity for good Lord John,
But none for Rothiemay;
But the keys are cast in the deep draw-well,
Ye cannot get away'.¹¹⁹

Popular opinion in Aberdeenshire supported this version of events. The Privy Council was blamed by all Huntly's followers for failing to uncover the

truth. None of them would accept that even if the Council lacked the will to convict a Protestant of murdering a prominent Papist, it lacked convincing evidence that he had done so even more. The hazards of everyday life in seventeenth-century Aberdeenshire are highlighted by the fact that when one witness heard the alarm, his first thought was that James Grant, the notorious outlaw, was burning the steadings (farm buildings).¹²⁰ The indoor and outdoor servants from Frendraught all appeared before the Privy Council and their evidence provides a detailed picture of domestic life in the household of a northern laird.¹²¹ It is significant that none of those working for Frendraught bore his name, whereas two of Melgum's attendants, and Rothiemay himself, were all Gordons. This shows how unequal were the two sides in what proved a bitter clan dispute. The Gordon cadets rallied to their chief's support, and Huntly himself, until his death in 1636, 'was cold in any other pursuit but Frendraught's ruin'.¹²² With the Marquis's tacit approval, the Gordons, intent on vengeance, recruited all the troublemakers they could find. The results were predictable. As the Council soon discovered:

. . . broken men from various clans and diverse of the name of Gordon and their dependants . . . have this long time . . . infested His Majesty's loyal subjects in the north parts, especially the laird of Frendraught and his tenants by frequent slaughters . . . and by a late treasonable fire – raising within the said laird of Frendraught his bounds, whereby not only is all the gentleman's land laid waste, his whole goods and bestial spoiled slain and maigled [mangled] some of his servants killed . . . but also the whole tenants of the lands and domestics of his

house have left his service.¹²³

In a letter the Archbishop of St Andrews wrote to the King he referred disparagingly to 'an old practice . . . among the great men of the Highlands; they have their bray-hounds as they call them whom they use at all such occasions'.¹²⁴

In its search for witnesses, the Council did not confine its investigation to Scotland. It learned from a Captain George Ogilvie that while on military service at Elsinore he had been told by another mercenary, Major Francis Sinclair, that a recruit, when drunk, claimed that serving as a cook at Frendraught on the night of the fire, he had earned a hundred guineas for 'a piece of work well done'.¹²⁵ The King pressed the Council for results and in a letter it received in June 1632 he asked that one day a week should be devoted to solving the Frendraught mystery.¹²⁶ The investigation dragged on until 1634, when Frendraught's master of the household, John Tosche (or Toschach), a prime suspect who had been tortured two years earlier, was finally released through lack of evidence.¹²⁷ Of those accused, only one was hanged, namely John Meldrum of Reidshill, a brother-in-law of Pitcaple's, whose motives for committing murder were never clearly established.¹²⁸

One salient fact which the fire of Frendraught and its aftermath revealed was the difficulty facing an administration deprived of the strong personal direction of James VI. Nearly all his son's leading ministers had received their training under his father and it was that King's policy, when dealing with a subject of Huntly's eminence, to employ no intermediaries when settling a dispute. This was the more easily done in a small society where each side knew each other's strengths and limitations well enough not to drive too hard

a bargain.

Down this path Charles I could not go. Neither by upbringing nor temperament was he equipped to deal with subjects of Lorne and Huntly's consequence, whose ambitions and problems formed no part of his experience. He knew the Marquis of Huntly only as an occasional visitor to his Court, a Catholic who submitted reluctantly, when necessity demanded it, to the requirements of the Kirk. The King, himself a tolerant man where religion was concerned, had some sympathy with the Marquis's religious scruples. On several occasions he restrained the Council from pressing Huntly too hard on that account.¹²⁹ Where Charles withheld any support from the Gordon chief was in upholding the authority he possessed in north-east Scotland. It was in the Crown's interest to do so, but this was not the King's view. In making the Earl of Moray lieutenant of the region in which Gordon interest was paramount, he humiliated a subject who out of religious necessity, if for no other reason, could only be a King's man.¹³⁰ It was safe to favour him because he could rely on no other patronage. In his dealings with the Marquis two sides of the King's character were apparent. On the one hand he aimed at reducing the hereditary power of a magnate who, in his eyes, had too much, while on a personal level, he was prepared to intervene on Huntly's behalf, as he was on Nithsdale's, when the Kirk called for their submission.

Neither of these attitudes could count on the support of the Privy Council. Its members did not resent the powers exercised by Huntly because they were powers which, in a far more modest form, all the nobility possessed. It was Charles I's reform of the Court of Session which made the lords of the Council aware that what they had hitherto regarded as inalienable privileges

now required justification, on terms acceptable to the King. This led many Council members to view his aims with suspicion. Huntly's religious non-conformity ensured him the Council's disapproval and any concessions in this area emanating from Charles increased a growing suspicion that the form of Anglicanism he favoured was a milestone on the road to Rome.

The Frendraught tragedy exposed the Council to pressures from several different quarters. The King, spurred on by Huntly and his wife's bitter condemnation of 'the cruel and matchless treachery of the laird of Frendraught', pressed for a solution.¹³¹ The Council, unable to provide one, watched helplessly, while Huntly's 'bray-hounds' brought ruin to the Frendraught estates. Even when the outlawed James Grant was finally captured by Moray's men, he succeeded in escaping from Edinburgh Castle.¹³² If Huntly played no part in his flight, he certainly had no cause to regret it. The publicity it attracted was damaging to Moray's authority, and demonstrated the Council's ineffectiveness.

No faction benefited from the Fire of Frendraught, and for the reasons mentioned, it lessened the understanding which existed between the King and his Council. In dealing with a complex case, the latter showed a hesitation which Charles saw as a failure to act and a hindrance to good government. On both sides a lack of trust was growing, which would prove increasingly hard to rebuild.

Notes

1. *Menteith*, I, 338.
2. *RPC*, 2nd series, II, 364; *Stirling's Register*, I, 252-3.
3. The Exchequer had a warrant to pay Menteith (and Hamilton) £5,000 stg. each in 1628. NLS, Adv. MSS, fo. 78, 32.6.8; *Menteith*, II, 12.
4. *Menteith*, II, 2-3: King to Menteith 18 October 1627.
5. *Ibid.*, II, King to Menteith, 11 February 1628.
6. *Ibid.*, II, 7-8.
7. *Ibid.*, II, 14-15.
8. Napier, 107.
9. *Menteith*, II, 15.
10. R. Nicholson, *Scotland. The Later Middle Ages* (Edinburgh, 1974), 286.
11. A. Lang, *History of Scotland*, I, 311.
12. Nicholson, *Scotland. The Later Middle Ages*, 321.
13. Scotstarvet, 288.
14. Sir Thomas was promised £2,000 stg. if the case went in Menteith's favour: H. Nicolas, *History of the Earldoms of Strathern, Monteith and Airth* (1842), 34; *Menteith*, II, 24-25, 34.
15. Brunton and Haig, *Senators of the College of Justice*, 289; *Menteith*, II, 123, 124, 126, 128.
16. *Menteith*, I, 342.
17. *Menteith*, I, 343-4. Renunciation signed 13 August 1629.
18. *Ibid.*, I, 345. Compensation amounted to £3,000 stg.
19. *Ibid.*, I, 343-4.
20. *Ibid.*, I, 347; *Reg.Mag.Sig.S.*, 1620-1633 ed. J. Thompson (Edinburgh, 1894) No. 2113.
21. The Scottish nobility doubled in numbers during the reign of James VI and Charles I from fifty to a hundred. England, with five times the population had only one hundred and twenty peers in 1641: Brown, 'Aristocratic Finances', 60.
22. Scotstarvet, 284-5.

23. *Menteith*, I, 349-50. The comment comes from Sir William Fraser ed.
24. *Ibid.*, I. 354-5; Scotstarvet, 292-4.
25. *Menteith*, I, 355.
26. Scotstarvet, 294, 397.
27. *A Diary of the Public Correspondence of Sir Thomas Hope of Craighall, 1633-1645*, Bannatyne Club (Edinburgh, 1843), 13. In an entry dated 19 August 1634 Hope wrote 'God make me thankful, *non semper timidis servare vexatum procellis equor*' [it does not always fall to the poor in spirit to watch over a sea troubled with squalls]; Scotstarvet, 400.
28. Nicolas, *History of the Earldoms of Strathern, etc.*, xcii, 73.
29. Lord Durie in *Durie's Decisions* quoted by Nicolas, *History of the Earldoms of Strathern*, lxxvi.
30. NLS, MSS 69, fo. 4., Sir John Hay to Earl of Morton 27 April 1633; Scotstarvet, 401.
31. *Menteith*, I, 365-6: Traquair to Morton 16 March 1633.
32. NLS, MSS 79, fo. 4: Airth to Morton 16 May 1633. At this date he still looked upon Traquair as a friend.
33. Scotstarvet, 401.
34. *Menteith*, I, 372-3, Minute of Depositions.
35. *Ibid.*, I, 374.
36. *Ibid.*, I, 373-4. Traquair Ho. MSS, Bundle 29, No. 12: Earl of Airth's case.
37. Traquair Ho. MSS, Bundle 29, No. 11, No date: Instruction from Airth to Traquair at his last going to court; W. Fraser, *The Maxwells of Pollok*, I, 440.
38. *RPC*, 2nd series, V, 139-41.
39. NLS, MSS, 79, fo. 4: Airth to Morton 18 May 1633.
40. *Menteith*, I, 368-9, n.d.
41. *Ibid.*, I, 381.
42. *Ibid.*, II, 56, 57.

43. *RPC*, 2nd series, III ends 27 July 1630 and *RPC*, 2nd series IV opens a week later. Between the two dates came the Convention; Spalding, *Memorialls*, I, 16-18.
44. *APS*, v, 208-228; NLS, Wodrow, fo. 42, 233: Letter giving account of the Practises and Purposes at Edinburgh, August 1630. The Revd Dr Peter Donald, who drew my attention to this MS, thinks that Sir William Alexander must have been its author, and I agree with him.
45. Balfour, *Historical Works*, II, 179-81.
46. *Menteith*, II, 31-2.
47. *Ibid.*, II, 31-2.
48. *Ibid.*, II, 32.
49. Row, *History*, 350-1.
50. NLS, Wodrow, fo. 42, 233.
51. *Ibid.*, fo. 42, 233.
52. *Ibid.*, fo. 42, 233.
53. *APS*, V, 209.
54. *APS*, V, 209; *Menteith*, II, 14-15.
55. *APS*, V, 219.
56. *Ibid.*, V, 218.
57. *Ibid.*, V, 218-9. This ensured the titulars would not lose rights of possession until they received the satisfaction embodied in the decreets.
58. *APS*, V, 218; *Historical Memoirs of the Duc de Saint-Simon*, ed. L. Norton, 4 vols. (1691-1709) (London, 1967), I, 42-52.
59. *APS*, V, 222.
60. *Ibid.*, V, 221.
61. G. Lythe, *The Economy of Scotland in its European Setting (1550-1625)* (Edinburgh, 1960), 58.
62. *Stirling's Register*, I, 258-9; *RPC*, 2nd series, IV, xviii-xxiii; Marwick (ed.), *Records of the Convention*, III (1615-1676), 313.
63. *RPC*, 2nd series, I, 375; *RPC*, 2nd series, III, 354-6; *RPC*, 2nd series, V, xvii, 399-402.
64. *Stirling's Register*, II, 550, 617-8.

65. Marwick (ed.), *Records of the Convention*, III (1615-1676), 257; *RPC*, 2nd series, III, xxv-xxvii, 42.
66. *RPC*, 2nd series, IV, xviii-xxiii, 20, 40.
67. G. Lythe, *The Economy of Scotland*, 57, 64; *RPC*, XIII, 5-9.
68. *RPC*, 2nd series, V, 286-7, 414-6; *RPC*, 2nd series, IV, 93-4, 96-7; *Stirling's Register*, II, 762.
69. NLS MSS, 82, fo. 25; *RPC*, 2nd series, III, 575-6.
70. HMC, 11th Report, Part I, 129-31, 164.
71. As Sir John Stewart of Traquair he approached Lennox and after his death Sir Robert Kerr in search of a title. *Ancram*, 16 May 1625, I, 39-40.
72. NLS MSS 80, fo. 47, 124.17.7; SRO GD, 124.17.4: in 1632 his debts amounted to £220,000 Sc. (equal to £18.333 stg.); SRO GD, 124.2.29, 2/124, 2.33.1; The Earl of Crawford, *The Earldom of Mar. In Sunshine and in Shade*, 2 vols. (Edinburgh, 1882), I, 378; *Complete Peerage*, VIII, 422.
73. Mar still received a pension first given by James VI in 1636 and Charles I awarded him £20,000 Sc. in 1629. He made £20,000 Sc. out of the tax collection of 1617. HMC, 9th Report, Part 2; Traquair Ho. MSS, 247; HMC, *M&K* (1904), 159-60; L. Peck, "For a king not to be bountiful were a fault", *Perspectives in Court Patronage in Early Stuart England*, *Journal of British Studies (JBS)*, XXV, (1986), 31-61.
74. NLS MS 80, fo. 47: In letters to Morton, he reminded him of their kinship.
75. *Stirling's Register*, I, 168.
76. Spottiswood, *History*, 541.
77. Balfour, *Historical Works*, II, 2.
78. *RPC*, xiii, 279, 384, 401, 672-4, 810. He was a member of the Standing Committee on Manufactures and in 1625 was awarded a licence to export tallow as a reward for his services. One of the other committees on which he sat dealt with the copper coinage.
79. *Ibid.*, XIII, 384, 401.
80. *Ibid.*, XIII, 95. Napier, 100.
81. *Archaeologia Scotia*, II (Edinburgh, 1822), 154-8; *The New Order of Gooding and Mannering of all sorts of field land with common salt*, Set forth by Sir Archibald Napier.

82. NLS, Denmilne, XI, 331, 1 (8).
83. M. Napier, *Memorials of Montrose and his times*, 2 vols., Maitland Club (Edinburgh, 1848), I, 25-7.
84. J. Buchan, *Montrose* (London, 1928), 397-406. The essay was thought by John Buchan to be the work of the Earl of Montrose but it is now evident it was written by his brother-in-law, Napier. The Earl may have played a part in its composition.
85. *RPC*, 2nd series, I, 248-9; *Ibid.*, II, 237n.
86. HMC, *M&K*, II, 246.
87. Napier, 101, 119, 120-1; *RPC*, 2nd series, III, 127, 182, 199, 200; Napier was paid 7,000 merks per annum (equal to £4,667 Sc. or £389 stg.) in addition to his tack by William Dick. On 22 September 1624 Hay was granted an infestment of the feus of Orkney and Shetland in payment of 40,000 merks (equal to £26,667 Sc. or £2,222 stg.): *RPC*, xiii 601-2; on 30 March 1625 he got the tack and stewardship on resignation of Sir John Buchanan and wife: *RPC*, XIII, 723-4.
88. P. Anderson, *Black Patie. The Life and times of Patrick Stewart, Earl of Orkney, Lord of Shetland* (Edinburgh, 1992), Appendix III, 153, 155, 34.
89. Napier, 110. Traquair Ho. MSS, Bundle 12, No. 1; *RPC*, 2nd series, I, 654-5. The Chancellor was paid £13,000 stg. for surrendering his lease in 1625, which Gilbert Primrose considered a good bargain.
90. The Revocation, Napier saw, would be 'intricate, longsome and difficult'. In bringing it about, the Commission, he thought, should have been told to establish 'a certain tithe on some new found land where never any was before': M. Napier, *Memorials of Montrose*, I, 65.
91. Napier, 103.
92. *Ibid.*, 104.
93. NLS, MS 80, fo. 67: Menteith to Morton 6 September 1630.
94. Napier; HMC *M&K* (1930), 246-7, 108. A non-entry was the failure to make the renewal demanded under feudal law on the death of a vassal, to secure the heir's succession.
95. *Menteith*, II, 31; NLS MS, 80, fo. 79.
96. *Menteith*, II, 33; HMC, 9th Report, II; Traquair Ho. MSS, 244.
97. NLS, MS 80, fo. 68.

98. NLS, MS 80, fo. 86; GD 124/15/76 (5): Thornton and Baillie both supported Mar.
99. P. Gordon, *A Short Abridgement of Britaine's Distemper. 1639 to 1645*, Spalding Club (Aberdeen, 1844), 230.
100. Through Sir James Douglas, Robert the Bruce's Lieutenant, the Earls of Angus claimed the first seating, the first vote, the right to lead the van of the army in battle and to carry the crown at coronations and conventions. In 1633 when the Earl of Angus was made Marquis of Douglas he resigned his claim to the privilege and prerogative of the first seating and voting in H.M.'s Parliaments; *APS*, V, 10; *Complete Peerage*, I, 160n.
101. *SP*, V, 356.
102. Gordon, *Sutherland*, 231.
103. Huntly's buildings were extensive. He erected 'an elegant mansion' at Strathbogie (Huntly Castle), and owned houses at Kinkail, Ruthven, Aboyne, and in the Plewlands of Moray. He enlarged Bog o' Gicht (Gordon Castle) and repaired his town house in Old Aberdeen. G.H.S., quoted in *Chambers Domestic Annals of Scotland*, 3 vols. (1838), II, 91-2.
104. *RPC*, 2nd series, III, xlv, 291, 317-20, 332; J. Spalding, *Memorialls*, I, 5, 9-10, 20-1.
105. Spalding, *Memorialls*, I, 21; HMC *M&K* (1904), 170.
106. Spalding, *Memorialls*, I, 9-10. In 'The Bonny Earl of Murray' (Moray), a popular ballad, the victim is claimed to have been the queen's lover, but the facts are more prosaic: *English and Scottish Popular Ballads*, ed. H. Child and G. Kittredge, 443-4; Gregory, *History of the West Highlands and Isles* (Edinburgh, 1836), 242-252.
107. Gordon, *Sutherland*, 414-5; *RPC*, 2nd series, III, 577; *RPC*, 2nd series, IV, xl, ix, 92, 93, 545. A price of 5,000 merks was put on Grant's head.
108. *RPC*, 2nd series, iv, vii.
109. Earl of Rothes, *A Relation of Proceedings Concerning the Affairs of the Kirk of Scotland*, ed. D. Laing, Bannatyne Club (Edinburgh, 1830), 62-3.
110. Brown, 'Aristocratic Finances', 55-6.
111. *SP*, I, 100. Melgum peerage created 1627. The Scottish bodyguard was re-established under the command of the Duke of Lennox in 1624. At his death the Earl of Enzie, his nephew succeeded him; W. Forbes-Leith, *The Scots Men-at-Arms and Life-Guards in France*, 2 vols.

(Edinburgh, 1882), I, 114-5. Enzie remained a member of the Council, but his attendance was sporadic.

112. G. Blakhal, *Brief Narration of the Service done to three Noble Ladies*, Spalding Club (Aberdeen, 1844), 127.
113. Gordon, *Sutherland*, 416-7.
114. The fine amounted to 50,000 merks: *Chambers Domestic Annals*, II, 46.
115. Gordon, *Sutherland*, 420.
116. Blakhal, *Brief Narration*, 124-5; Spalding, *Memorialls*, 17-18.
117. *SP*, VIII, 348: she was the daughter of the 12th Earl of Sutherland.
118. Blakhal, *Brief Narration*, 125.
119. *English and Scottish Popular Ballads*, ed. H. Sargent and G. Kittredge, 478.
120. *RPC*, 2nd series, IV, 610.
121. *Ibid.*, IV, 609-17.
122. Gordon, *Sutherland*, 467.
123. Spalding, *Memorialls*, 420.
124. HMC 9th Report, II; Traquair Ho. MSS, 256.
125. *RPC*, 2nd series, IV, 496, 634, 635.
126. *Ibid.*, IV, 634-5.
127. *Ibid.*, V, xxxvii-xxxix.
128. Spalding, *Memorialls*, Appendix 1, 381-411.
129. *RPC*, 2nd series, V, 53, vi; 2nd series, VI, 211-12.
130. *SP*, vi, 320; Moray was made Justiciar of Forres, Nairn, Elgin, Inverness, Aberdeen and Banff: Spalding, *Memorialls*, I, 9.
131. Spalding, *Memorialls*, I, 41.
132. *RPC*, 2nd series, V, 500.

Chapter 6

THE CORONATION OF 1633

Although Charles I succeeded to his father's throne in 1625 it was all of eight years later before he visited Scotland, a country he had not seen since he was three years old. Many times, between 1625 and 1633, it seemed probable that the visit would take place and arrangements were put in hand for a coronation. The intention was that the coronation should be followed by a meeting of the Scottish Parliament.¹

Although the Privy Council always expressed the hope that the King's return to his native land should not be long delayed, it could be argued that its feelings on the subject were more ambivalent than at first sight might appear.² Lord Napier, a member of the Council, who served as Treasurer Depute both to James VI and his son, put on paper his comments on the royal visit which touched on some of the problems with which the King was faced. The officers of state, he felt, were less gratified by the occasion than their apparent enthusiasm indicated.³ They did not form a united body and for some it appeared more profitable to have a king in London than in Edinburgh. By 1633 no king had lived in Scotland for the past thirty years and this is one reason why Napier may have been right in thinking that to many politically-minded Scots, Whitehall was seen increasingly as the seat of power.

The picture which emerges from Napier's account is of an ambitious, confident society in which the King's councillors, deprived of a resident monarch, were becoming increasingly sensitive to the political gains obtainable both from Conventions and Parliament. The English parliamentary system was

before their eyes and it demonstrated the apparent freedom allowed to members of both Houses. In Scotland, where parliaments and conventions alike operated within a more rigid framework, experience had taught them that they did not have such freedom to question Crown policies.

In spite of that, as the seventeenth century advanced, the Three Estates displayed a growing determination to voice their disagreement with some of the policies most dear to the King. The Parliament of 1633, in this context, is of particular interest. Firstly, it shows how wide was the gulf between the King's priorities and those of his Scottish subjects. Secondly, it came to represent a political milestone for many who played no part in its proceedings.

When it became evident to all that King Charles's long-delayed visit was about to happen, the Council found itself faced with a number of problems. The first to be overcome were the practical difficulties and the expense. The roads must be repaired and an attempt made to put the royal palaces in order.⁴ Accommodation had also to be found for an unspecified number of royal attendants who would require feeding (as well as their horses). Not unnaturally, many of the Council's decisions were based on the last royal visit, which took place in 1617. As on that occasion, it was to the burghs of central Scotland that the councillors turned in their search for the 'fed nolt [black cattle] ky and veillis' they knew would be required.⁵ In their deliberations the councillors were keenly aware that what they considered to be at stake was nothing less than 'the credit and reputation of the Kingdom'.⁶

As the capital city and seat of Parliament, Edinburgh was especially anxious to live up to popular expectations. A committee was appointed by the Council to meet daily from 18 January onwards and an itinerary drawn up.⁷

Once the enormous royal cortège reached Scotland, its route was carefully mapped out.⁸ The first stop was planned to be at Dunglass. Thence the King would travel via Seton Palace, the Earl of Winton's 'dainty seat' to Dalkeith Castle whose owner was the Earl of Morton.⁹ There he was within a few miles of Edinburgh, where the coronation would be followed by a Riding of Parliament, as the ceremonial procession which marked the opening of a Scottish Parliament was called.

In 1629 Sir George Hay had advised the King not to go to Scotland 'in a worse fashion than his father . . . did in anno 1617 but rather in greater pomp and state being about to receive his crown'.¹⁰ The Chancellor's advice may have been heeded, because the elaborate pageant Scotland was permitted to stage in King Charles's honour in 1633 embodied festivities he discouraged in England throughout his reign.¹¹ It is not clear why Charles I allowed the city of Edinburgh to indulge in such a costly entertainment as it did when he prevented London from doing so on several occasions. This was contrary to the practice of both James VI and Elizabeth I, whose entertainments could always count on strong popular support. In April 1625 a pageant had been projected in celebration of the King's coronation, but plague intervened. In 1626 directions had been issued via the Earl of Pembroke to the Lord Mayor of London. Arches already erected were torn down on grounds of expense and inconvenience to traffic. In 1627, when accounts were drawn up, the cost incurred amounted to £4,300 stg. The same policy was not adopted when the King eventually embarked on a state visit to his northern kingdom. The royal tour was planned to cover most of central Scotland and elaborate pageants were nowhere discouraged.

On leaving the capital, the King's party would proceed northwards from one royal abode to another. After the Palace of Linlithgow would come Stirling Castle, then Dunfermline, where Charles had been born, and Falkland Palace. Between all these places the roads called for instant attention. Even those on the outskirts of Edinburgh were in a poor state. 'It will be a very great discredit to the country', noted the Council anxiously, 'if the road between the Watergate and Leith', which was one of those under discussion, 'shall not be passable'.¹² As the owner of Restalrig, Lord Balmerino was one of those ordered to repair this particular highway and the burden which fell on him was one he shared with all the other landowners over whose estates the roads ran.¹³

The Council had other cares. In every parish, constables were appointed to oversee the provision of the horses and carts needed to transport the King's baggage. Even a small parish like Ayton, in Berwickshire, was required to supply forty-eight horses and sixteen carts, and in some cases the carters were also told to bring 'creillis and hochams' (baskets and the frames on which they were supported).¹⁴ For the King's own carriage £600 Sc. was paid by the Treasury to Lord Stewart of Traquair, the Treasurer Depute, for the purchase of ten or twelve horses.¹⁵ With no royal family in residence, the King's castles and palaces had, over the years, grown very dilapidated, though repairs had belatedly been set in train. It was also found that in some of them families were living who were now required to move out.¹⁶ At Falkland, unauthorised stables had been built against the garden walls and at Holyrood some of the tapestries were 'so spoiled with rattouns' that they were beyond repair.¹⁷

It was not only the King's dwellings that required attention. The royal

parks were so freely poached that on 24 January the Privy Council issued an order that all shooting of hinds and deer was to stop until the last day in March. The policies (parks) at Falkland were so over-grazed by the stock belonging to those living nearby that the deer were half starved.¹⁸

The King's approaching visit took up some, but by no means all, of the Council's time. The slow progress made by the Commission of Teinds was too disturbing to be ignored. On 19 February, an urgent summons was addressed to two nobles and three bishops, demanding their presence at the next monthly meeting of the Commission in March. Two days later the Council wrote again naming two other bishops. The irritation felt by councillors at what they saw as clerical negligence is easily understandable, but the bishops, like the Council members themselves, found the revocation a bed of nails when the moment came to exchange theory for practice.¹⁹ In a paper entitled *Exceptions taken by the bishops against the course of the Commission*, they listed their objections. There were sixteen of them, beginning with a criticism that 'the Commission only gives power to deal with the titles of erections, but the Commission proceeded in the same manner with the whole tithes of the Kingdom'.²⁰

The number of 'exceptions' specified illustrates the difficulties facing the commissioners. In No. 5, the bishops complained that because vicarages and parsonages were often valued together, as a result the benefices were 'confounded'. All the same, in spite of the 'delays and continuations' of which the Council complained its Register for the year 1633 provides evidence that the Commission, having ironed out some of the initial difficulties, was making progress.²¹

To one member of the Council, the royal visit brought benefits. In his father's absence, Lord Lorne, the Earl of Argyll's son and heir, was confirmed as Master of the Royal Household. In a letter to his kinsman, Sir Colin Campbell of Glenorchy, he asked him for a loan of all his silverware, when the King should come to Stirling (where Argyll had a house). It was also required of Sir Colin by the Council to provide a steady stream of wildfowl and venison throughout the King's stay.²²

William Graham, Earl of Strathearn did not share Lorne's expectations. Up to the 28 March he was still Lord President and in possession of his disputed peerage, but on that day a patent was delivered to the Council erecting his obscure barony of Airth into an earldom.²³ Although the new title retained the precedence of Menteith, which dated from 1428, the older earldom, being annexed to Airth, would no longer exist. It was the end of Menteith's career as a favoured public servant. Among the powerful enemies he had at court was the Marquis of Hamilton. In a letter written on 21 May by Archibald Campbell of Glencarradale and addressed to Glenorchy, he quoted Hamilton's reference to Airth 'as one who abuses you [the Marquis was addressing the King] in other things, so does he in that'.²⁴

Airth was not the only Scottish peer to feel the weight of the King's displeasure. A royal missive which reached the Privy Council on 20 May informed it of Charles I's decision to move Lord Ochiltree, who was currently imprisoned in the Tolbooth, to Blackness Castle until further notice.²⁵ There he would remain, without trial, until 1654, when Cromwell's Scottish administration set him free.

Preparations for the King's reception in Edinburgh were completed just in

time. The streets were sanded, and the gallows removed from the west end of the links before he reached Dalkeith Castle, the Earl of Morton's seat, on 14 June.²⁶ It was here that he was first made aware officially of the problems awaiting him in Edinburgh. In the course of the King's Scottish visit, three petitions were delivered to him. The second of these, entrusted to the Earl of Rothes, was the forerunner of Balmerino's Supplication of 1634. The first one, of which Thomas Hogg was the bearer, represented clerical dissent and unlike the Supplication, it came to public notice before Parliament met. Hogg, sometime Minister of Dysart, had been deprived of his ministry by the High Commission convened by the Archbishop of St Andrews in 1619 for non-conformity over the Five Articles of Perth.²⁷ Before the King reached Scotland, Hogg presented a paper consisting of Grievances to the Clerk Register, Sir John Hay. He did this on behalf of other ministers besides himself, and the timing was based on the ruling that any bill or petition submitted to the Lords of the Articles for discussion in Parliament must be handed in to the Clerk Register twenty days before that body met.²⁸

As Hogg's Grievances form part of the background out of which Balmerino's Supplication later emerged, they deserve some consideration. Balfour lists them in detail, which is proof of the wide publicity they attracted at the time.²⁹ Hogg feared, probably with good reason, that his protest would not attract much official notice. As a result, he adopted bold measures to secure a hearing.³⁰ By handing in a copy of his petition, which he did on 29 May, to the Clerk Register, he hoped that the points it embodied would be submitted in due course to the Lords of the Articles. Without their backing, as he well knew, no legislative reforms along the lines he and his fellow-ministers

proposed were possible. Sir John Hay, however, was an ardent king's man, outspoken in his support of Charles I's clerical policies.³¹ A petition such as Hogg's could count on no assistance from him and it was probably with this consideration in mind that Hogg presented himself before Hay with a notary in attendance, so that his delivery of the petition might be officially recorded.³²

This was only the first step he took. On 15 June Hogg handed over another copy of the Grievances, this time to his sovereign, at Dalkeith, before the latter set off for Edinburgh. According to one contemporary account the King, having read it, 'seemed no way displeased' but the passage which follows does not bear this out.³³ After reading Hogg's petition Charles discussed it with Morton, who then said to Hogg, 'I wish you had chosen another place for the presentation of your Supplication than this house, whereby it appeared that the King was not content to [have it discussed at this house] for he was to make his entry to Edinburgh that same day and therefore did forbear as yet anything that might offend the people'.³⁴ To Charles I, Hogg's criticism must have been as displeasing as his importunity and indicated that the ministers for whom Hogg spoke hoped to have these grievances discussed in Parliament. His petition was entitled *Griuanes and Petitions concerning the disordered Estaite of the Reformed Kirke within this Realme of Scotland*.³⁵

It was the purpose of Hogg's petition to show that the independence of the Kirk was in danger of being subverted. For this he held both the bishops and, by implication, the King, responsible. What Hogg and the ministers who shared his views were both seeking and demanding, was a Kirk made free of all political interference. Under six separate headings they listed the areas of

disagreement wherein the policies of the Crown clashed with those advocated by a vocal and increasingly self-confident minority within the Kirk.

Hogg's first complaint related to the role played by some ministers in parliament. By an act passed in 1597 it was laid down that all ministers who found themselves members of the Estates (and this applied to councils and conventions as well as parliaments), sat as delegates of the Kirk, who must account for their parliamentary actions thereafter to the General Assembly. Since that date, in Hogg's view, those whose proper role in parliament was to uphold the rights of the Kirk against the Crown were used increasingly as royal puppets over whose policies the Kirk exercised less and less control. In the Grievances it was claimed that when the acts passed at a General Assembly held at Glasgow in 1610 were ratified at the Parliament of 1612, it was only in a form acceptable to the government. Under the guise of 'explanations', some clauses and even whole articles disappeared.

Among the omissions and alterations which the articles in their revised form embodied, Hogg drew attention to the fact that by means of them the bishops were freed from a kirk discipline which previously might have resulted in their censure and even their excommunication. He also noted that some words in the oath had been changed.³⁶ General assemblies, to Hogg, were another cause for concern. In his eyes the liberties conferred on the Kirk at the Reformation had all been ratified by Act of Parliament in 1592. In 1610 it was also laid down that general assemblies should be held yearly thereafter. By 1633 these privileges, as he saw them, were largely eroded. General assemblies, on an annual basis were 'suppressed', provincial synods 'confounded' and presbyteries 'disordered and neglected'. The facts support

only that part of his case relating to general assemblies, but in emotional terms, his argument carried conviction.³⁷

The Grievances gave voice to widespread discontent. What some ministers (including Hogg) found particularly insulting was that those who clung as they saw it, to the purity of Reformation doctrine, were now condemned as Puritans. The petition ended with a plea that ‘peaceable ministers’ be tolerated, but what began as a defence became an attack. Prelacy was anti-Christian. Laud, who had accompanied the King to Scotland, was seen as a fit companion for the devil and the Pope. For Row, who, when he wrote, was recording past events, all three were worthy patrons of the Book of Canons, the Book of Ordination and the Service Book.³⁸

Hogg’s meeting with the King was only the first drama in what for the latter was to prove an eventful day. He left Dalkeith on the morning of 15 June, with a substantial company behind him. On reaching Edinburgh he mounted his ‘great horse’ and the procession fell into place.³⁹ It was headed by the Earl of Erroll, who, as Lord High Constable, was entitled to carry the sword of state. His office as ‘chief swordsman of the Kingdom’ was one he insisted should be recognised.⁴⁰ At the West Port the King was greeted by the first of seven speeches and handed the keys of the city. The bailies in red furred robes and the aldermen in black, were all seated in tiers of wooden benches to see the Lord Provost present the King with a gold basin valued at 5,000 merks. Into it he shook a purse of 1,000 double angels (gold coins worth 10s each) as a present from the town, but Hamilton ‘meddled with the gift as due to him, by virtue of his office’ (he was Master of the Horse).⁴¹ No expense was spared in making the King’s visit to his northern kingdom a

memorable event.

The Entertainment, as it was called, for which William Drummond of Hawthornden was responsible, consisted of seven theatrical presentations or displays, each centred on a different theme. To these the King's attention was drawn as he stopped, by speeches and poetry, as well as mottoes and inscriptions. A contemporary pamphlet has preserved all the details of Drummond's fantasy, and what makes them interesting is the sharp light they throw on the politics and religious preoccupations of Caroline Scotland, as well as its art.⁴² Under one arch the genius of the town was represented by a nymph in a sea green velvet mantle. Religion was at her right hand in white taffeta, a crown of stars on her head 'to shewe whence she came'. Under her feet crouched Superstition, a blind woman in old clothes. Another theatre featured the genius of Caledonia and beside her 'a woman with an olive-coloured mask, long black hair . . . her attire was of divers coloured feathers which show her to be an American and to represent New Scotland'. This was intended to publicise the newly created order of Nova Scotia baronets. When the King approached, Caledonia addressed him somewhat pointedly as:

. . . A prince that though of none he stand in awe,

Yet first subjects himself to his own law.

At the Cross, Bacchus, crowned with ivy, sat on a hogshead, next to stroups (fountains) running over with wine.⁴³ Among the figures grouped around him was one whose mythical garb was a graceful introduction to contemporary politics. This was Ceres 'in straw coloured mantle embroidered with ears of corn and same on head . . . on her scutcheon was written *Sustulit Exutis Vinclis Adsidera Palmas*, meaning by the king she was free of the great abuse

of the tithes in this country'.⁴⁴ Even more pointed was a poem delivered by Jove which began with the words 'new and vast taxes thou shalt not extort'.

At the west end of the Tolbooth, Mercury awaited the King and presented to him portraits of one hundred and seven of his royal ancestors, newly arrived from the Elysian fields.⁴⁵ The pictures were all painted by Scotland's leading portrait painter, George Jamieson, but one of the King's forbears appeared in person. A man dressed as Fergus I, who was claimed to be the earliest of the royal line, delivered a speech in Latin. Although no Highlanders featured in the tableaux, Picts were represented by a naked figure whose skin was embellished with painted flowers. When the King reached the Nether Bow, the last of the speeches was delivered and he rode down the Canongate to Holyrood.

What does Drummond's Entertainment tell us about the Scotland of 1633? How widespread were the beliefs and prejudices of its author? What indeed were his beliefs? In Drummond's own career there is an element of paradox. Although a king's man, he played a crucial part in bringing about the downfall of the Earl of Straithern, a powerful officer of state, and one much favoured by the King. He also chose, on such a momentous occasion as the King's state entry into Edinburgh, to use the pageant he had devised partly as a vehicle to voice criticism of the very man in whose honour it was staged. His Ceres became the front for a political statement, Jove delivered his judgement on tax.

One conclusion to be drawn from the use to which Drummond put his tableaux vivants is that political concerns overshadowed all other aspects of Charles I's visit. Another is that the points he emphasised reflect what he saw as public opinion. There was popular support for the King's reform of the

teinds but a widespread belief that the taxation he imposed equalled extortion. As a man lacking in political ambition, Drummond saw no danger in promoting both points of view. There was one feature of the Entertainment which aroused no dissent. The nationalism embodied in it, and its glorification of the royal line, were shared by nearly all the King's Scottish subjects. That the depiction of the King's early ancestors was largely fictitious worried no one.

Two days elapsed between Charles I's arrival in Edinburgh and the coronation. June 16th was a Sunday. The King attended a service in the Chapel Royal and dined off his own plate, which had come north in the keeping of his English servants. On the 17th the King went by coach to the castle with sixteen other coaches following and spent a night there before returning the following day for his coronation.

Hogg was not the only man to approach the King with religious complaints before and about the coronation. By many it was believed that the ceremonies would be 'conform to the papist form of coronation in France'.⁴⁶ It was the Earl of Morton who first mentioned the disquiet that was felt about the proposed coronation oath to the King. No action resulted, so the Earls of Rothes and Loudoun, both men of strong views, were chosen to voice the doubts of the 'disassentors'. Their objections took the form of a petition. The King listened to the points Rothes made, but he refused to take the paper 'which contained the substance of that which he had delivered.'⁴⁷

When Rothes pressed the King to discuss the matters in dispute with his Council, the King told him he did not intend to make them Council business. Subsequently he did discuss the petition with 'some officers of state and

bishops. Their advice was that 'there was a mistaking, for by that oath His Majesty was bound to defend his bishops be it according to justice'. This, noted the writer, was 'no answer'.⁴⁸ An attempt was also made by the 'disassentors' to gain the Marquis of Hamilton's support, but that cautious nobleman, always aware of his royal connection, would have nothing to do with them.

On 18 June, the day of the coronation, after the nobles had joined the King at the castle, where he had spent the previous night, they all processed from the castle to the abbey. When first planned, the coronation was to be held in the 'great kirk' of St Giles, but the clergy, through Dr James Hannay, Dean of Edinburgh, delivered their objections in writing. 'It was never heard or seen', they argued, 'that any Christian king . . . was crowned in a private church . . . but by the contrary, in an Abbey or Cathedral church'. It was for this reason, they pointed out, that the Kings of England were crowned, not in St Paul's but in Westminster Abbey.⁴⁹

The coronation service itself, for some, 'bred great fear of inbringing of popery'.⁵⁰ It began badly, when the King asked the Chancellor, the newly-created Earl of Kinnoull, to cede his place in the ceremonies to the Archbishop of St Andrews.⁵¹ Kinnoull's answer admitted of no compromise: 'never a ston'd priest in Scotland should set a foot before him', he retorted, 'so long as his blood was hot'. It was the King who gave way, but the grudging words in which he did so reveal the almost unbridgeable gap dividing the intransigence of the Chancellor from the pained distaste of the King. 'Well, Lyon, let's go to business. I will not meddle further with that old cankered gouty man, at whose hands there is nothing to be gained but sour words'.⁵²

On this occasion, which meant so many different things to those taking part, he paid no heed to the prejudices which linked Anglicanism to Popery. From London had come what to its critics was an altar. It had candles on it and a tapestry depicting the Crucifixion was hung behind. Eight years before, at the funeral of James VI, the Archbishop of St Andrews had refused to wear what he looked upon as the garb of an English bishop. Now he and the other bishops who officiated wore 'white rochets and white sleeves and loops of gold, having blue silk to their feet'.⁵³ To those opposed to Episcopacy, the bishops' apparel, as well as the candle-lit altar, served as further proof that the King intended to model the Kirk on Canterbury, if not on Rome.

The Riding of Parliament, which took place the next day, on 19 June, was conducted in traditional style. All the participants accompanied the King from Holyrood to the Nether Bow, where the Lord Provost awaited them. The mounted procession was headed by the commissioners of burghs. After them came the small barons (lairds) and the bishops, 'the lords of spirituality', followed by the temporal lords. Behind them were displayed the Honours of Scotland. Riding on their own, came the Earl of Eglinton carrying the spurs, the Earl of Rothes, carrying the sceptre and the Earl of Buchan bearing the sword of state.⁵⁴ For any parliament to be legally entitled to pass acts, the Honours, with the sceptre in the forefront, were required to be on view.⁵⁵ The insistence of some peers on their historic right to bear the Honours illustrates the great importance all Scots nobles attached to the seniority conferred on them by the dates of their peerages. The Decreet of Ranking, issued in 1606, acknowledged this.⁵⁶

The decisions on seniority which resulted from the Decreet's rulings were

often disputed. On the eve of the King's visit the Earl of Erroll and the Earl Marischal, respectively High Constable and Earl Marischal of the Kingdom, involved the Privy Council and the King in a quarrel centred on their conflicting rights.⁵⁷

As a result of the Decreet, Rothes ranked very high among the earls and although this might seem to be no more than a social advantage, it could be argued, on the evidence of his early career, that for Rothes it was an asset politically as well. At the Riding of Parliament in 1617, though barely of age, he carried the sword before the King and in 1633 the position he occupied was equally prominent. On the latter occasion, immediately behind Rothes and Buchan and in front of the King, rode the Marquis of Douglas, who by right of descent carried the crown.⁵⁸ On his right hand was the Duke of Lennox and on his left the Marquis of Hamilton. Both were cousins of the King and stood next in line, after James VI's descendants, to the throne of Scotland.

When the royal procession reached the Nether Bow, it was met, as custom demanded, by the Lord Provost. It was his duty to escort the King up the causeway, which, on this occasion, was railed off as far as the Stinking Style, a place ill named, perhaps, for such a euphoric occasion. The King dismounted there and was received by the Earl of Erroll, in his capacity as Lord High Constable. He walked with him as far as the door of the Tolbooth, which had not yet been superseded as a Parliament House by the building in course of construction on the west side of St Giles and there Erroll's place was taken by William Keith, the Earl Marischal, whose hereditary privilege it was to escort the King to his throne within the chamber.⁵⁹

At this point tradition gave way to politics. It was the first and most

important duty of any seventeenth-century Scottish parliament to elect the Lords of the Articles, and on that June morning, in the King's presence, such an election took place. By this election, before 1689, when the Articles were in being (they were suspended from 1640-1660) the policy of all seventeenth-century Scottish parliaments was decided. The selection of the Lords of the Articles for Charles I's first parliament was questioned afterwards in Balmerino's Supplication.⁶⁰ For this reason it is worth considering how this somewhat idiosyncratic body, whose role was of such crucial importance, first came into being and thereafter conducted its affairs.

The practice of channelling parliamentary business through a committee is first recorded in 1367 at the Parliament of Scone.⁶¹ Two parliaments later, in 1369, when the Estates met again, and a similar committee was formed, its role appears to have been questioned. In justification of its continued existence, it was argued that 'certain special and secret affairs of the King and Kingdom' should be discussed by the committee before they came before the whole parliament.⁶² From then on, over the centuries, with 'Articles' replacing committee as its name, the group's functions grew more definite and its form more precise.⁶³

It is not certain, before the sixteenth century, whether the Articles were always chosen in the same way, but in 1524 representatives of the clergy were chosen by the nobility. This appears to have been an innovation, but by 1560 it had become the custom.⁶⁴ Whether it remained so is more arguable, as it is recorded that in 1592, 1593, 1597 and 1604 the Lords of the Articles were chosen 'by the whole Estates'.⁶⁵ What this means is not altogether clear, but if it constitutes a claim that the Estates selected the Articles with no reference

to the Privy Council, it seems unlikely to be wholly true.

In Balmerino's Supplication, it was asserted that 'before Anno 1609, the Nobility did always choose of their own rank and quality to be upon the Articles' and though the claim was disputable, it does show how contentious politically the selection of the Articles had become by 1633.⁶⁶ In Balmerino's Supplication, what its author William Haig and his associates chose to ignore was that none of them had attended any parliament after 1603 in which the Crown played no part in the selection of the Articles. In naming 1609 as the date when the nobles found themselves deprived of the political power which it was claimed they had previously possessed, the Supplication appealed to all who resented what they saw as the growing power of parliamentary bishops. 'A suspicion of their mystical ends' as the Supplication sarcastically put it, was easily aroused, and in refuting it, the bishops lacked a convincing defence.⁶⁷ As all their contemporaries knew, there was a period after the Reformation when the clerical estate lost the constitutional standing that it had hitherto enjoyed. Only after 1606, when an act restored the Estate of Bishops, was the order once again represented not only in parliament and at conventions but on the Articles.⁶⁸

Six years later at the Parliament of 1612 James VI secured the election of the Lords of the Articles along the lines he wanted. From the Earl of Haddington's detailed account of the proceedings (he was then Earl of Melrose) it is evident that though the King was successful, his methods were resented by the nobles, who found that the use he made of the bishops prevented any increase in their powers.⁶⁹ It also proves how effective, by that date, royal policy was becoming. A list of the bishops James wanted on the

Articles was submitted to the nobles for their vote, and although the latter made a gesture of independence by substituting some names of their own choosing for the ones they had been given, it made no appreciable difference which bishops they selected, as all of them inevitably were the King's men.

When the moment came for the bishops, in their turn, to make their choice of peers, they too, were given a list of suitable candidates. Unlike the Lords, they followed the King's instructions to the letter and, as a result, James VI secured for himself on the Articles the nobles most likely to carry out his wishes. The newly elected peers then joined with the bishops in choosing representatives from the two remaining orders, the lairds and the burghs.

Between 1612 and 1633 the procedure that has just been outlined changed very little. In one respect, however, it might be said that the burghs, like the Lords, did not find their status improved after 1612. According to one piece of evidence the burghs elected their own representatives to the Articles in 1560 but after 1612, such independence was no longer allowed to them.⁷⁰ In the reign of Charles I, the number chosen by each Estate for the Articles was usually eight and this had been so since 1587, when it was enacted that each Estate should be represented by a number neither exceeding ten, nor less than six.⁷¹

In some parliaments, however, including that of 1633, the burghs, entitled though they were to only eight votes, had nine representatives.⁷² Leaving aside the nominees from the four Estates, the Lords of the Articles consisted of the Crown's appointees, who were chosen from among the King's principal officers. Similarly, in 1617 their number was fixed at eight and this led to a controversy in 1631 when Charles I appointed a second Secretary of State.⁷³

It was objected then, probably with the Articles in mind, that the precedence accorded to the first Secretary was a privilege to which the second was not automatically entitled.⁷⁴ At the parliament of 1617 the noblemen felt sufficiently confident to challenge the ruling that the Articles should be chosen as ‘the King and the bishops would have them’.⁷⁵ At every subsequent parliament, although their resentment grew, it did not succeed in breaking the Crown’s control of the Articles. By the time Charles I came to the throne it was evident to all seeking power that ‘the Committee of the Articles [had] virtually annexed to itself the whole deliberative and legislative function of Parliament’.⁷⁶

The Lords of the Articles were a body with no parallel outside Scotland. Though it is evident that Charles I pursued his father’s policy of using them as the lever by which to secure parliamentary approval for his legislation, it could be said that it was more by accident than design that historically this is a role the Articles were able to play.

One historian’s view that Parliament before the advent of James VI ‘was predominantly a Council or hierarchy of officials and peers’ does not invite contradiction.⁷⁷ Throughout the Middle Ages it was difficult both for the lairds and burgesses, living as they did in a poor, lawless country with a harsh northern climate, to attend parliamentary sessions. By the time the wars with England were over and prosperity seemed more assured, the kings had grown accustomed to dealing with poorly attended parliaments whose daily business could be more conveniently conducted through the Lords of the Articles than in any other way. This was the system which James VI inherited, and to him the political thinking of the age suggested a more sophisticated role for it to

play. Like so many of his royal contemporaries, King James was intent on establishing a centralised administration, and in Scotland, as he saw it, this could best be achieved by making increasing use of the Articles. After 1603, when he grew both to know and distrust the English parliamentary system, he saw no advantage in altering a form of administration which appeared to function very well. On the contrary, he came increasingly to value a body which, through close contact with his Scottish Council, he could both control and direct.

As we have already seen, Charles I could not follow his father along this path. Partly this was because the country to which James VI belonged was a foreign land to him, and even more, perhaps, it was because he was temperamentally alien to the friendly, informal relationships existing between the old king and some of his Scottish contemporaries. It was through them and a Scots dominated Bedchamber that King James kept himself informed of Scottish affairs.

These facts became more apparent in 1633 when the young king at last came north. The Lords of the Articles, who were chosen for the forthcoming Parliament, were headed by John Spottiswood, Archbishop of St Andrews, with seven other bishops. The eight lords consisted of John Stuart, Duke of Lennox, who was more royal than Scottish in outlook, James, Marquis of Hamilton who was both, the newly created Marquis of Douglas,⁷⁸ William Keith, Earl Marischal, George Seton, Earl of Winton, Robert Kerr, Earl of Roxburgh, John Maitland, Earl of Lauderdale, and William Crichton, Viscount Ayr.⁷⁹

The *Proceedings of the Parliament held in Edinburgh in June 1633*, which

has been quoted previously, gives a very detailed account of the week's activities. It is addressed to the King as a humble supplication from the Lords and other Commissioners of the late parliament, but the author is not named.⁸⁰ From the tone he adopts and his reference to 'pretended bishops' his views on religious matters are clear, but in the political arena it is hard to see how far the author associates himself with the nobles. In one or two places he seems to imply they were not giving enough support to the ministers. It was also one of his grievances that the power of the Articles prevented any Scottish parliament from achieving independence. Ever since King James's day the state officers 'have power to sit upon the Articles and vote in parliament, which they had never before'.⁸¹ Their presence was certainly a check on contentious motions.

At this parliament, proceedings opened with a sermon in which the Bishop of St Andrews (never archbishop in this account) taxed the statesmen 'for their neglect in advancing the benefits of the church'. The Chancellor replied with 'a somewhat confused' harangue in which he contradicted St Andrews and claimed the least stipend a minister received was 500 merks on which 'they might live like gentlemen'. He advised the King 'to repress turbulent and giddy headed spirits'.⁸² The King then went to an inner room accompanied by the bishops and noblemen, where they chose the Articles. The articulated lords asked for permission to consult with their peers before parliament met to vote and the account given in the Proceedings of this incident shows Charles I in a genial mood. 'The King in reply asked what was the custom. The Treasurer, howbeit in former times an earnest pleader for the like privilege, answered, there was no such custom; nothing concluded would be kept so close, but

every man might be informed by some friends. Then the King, laughing, answered those who made the motion, the old fashion is full fair. He would not alter the ordinary custom.’⁸³

In this account the King kept a firm hand on the Articles’ debate and no motion was passed unless he put his hand to it. Rumours about their likely decisions prompted a deputation from the Estates (only the bishops abstained) to inform the King of their objections. Rothes and Loudoun, as spokesmen, obtained an audience. Their petition, which the King ‘seemed not to respect’, raised all the points already made by Hogg. The King answered some of them, but his last word was that the petition must be suppressed. Subsequently the two emissaries were told the King was angry with them, but on enquiring from ‘their secret friends’ at court, they were told that the ‘four councillors, or bishops or both’ on being asked for their opinion by the King, had assured him ‘that for one who would be against him, four would be with him’.⁸⁴ The account given in the Proceedings of this exchange is very interesting as it shows both the King and his advisers in a far more accommodating mood than tradition and the evidence of other contemporaries suggests. After refusing the two lords’ petition, the King sought advice, to be assured that his action would attract far more support than criticism.

The next event to arouse strong feelings was the banquet given by the town of Edinburgh to the King on the Sunday between the first and last day of parliament. Some considered it scandalous of the King to choose the Sabbath for such an occasion and suspected it was used as a cover for the English service conducted in St Giles. The clergy were all robed ‘and some laughed at their new gowns as ridiculous’.⁸⁵ While the Articles sat, not only did the

Lords not confer together, but meetings of the lairds were discouraged.⁸⁶ On 27 June, as soon as business was concluded, it was announced that Riding and voting would take place the next day. Consequently, no time was allowed 'for advisement'.⁸⁷

When the full Parliament met for a second and last time on 28 June, the rumours and anxieties of the preceding week all rose to the surface. Of the thirty-one acts put forward by the Lords of the Articles, it was Acts 1, 3, 4 and 9 on which the attention of all members was concentrated. Act 1 dealt with taxation. Act 3 was designed to uphold the King's prerogative and at the same time spell out the garb required of clerics. Act 4 ratified the acts touching religion, and Act 9 embodied a detailed summary of the King's General Revocation. Of these acts, 3 and 4 were the most bitterly contested. There was a heated debate on clerical dress and in the Proceedings its author was outspoken in condemning the King. 'It seems unreasonable that forms of habit should be imposed . . . at the pleasure of the prince . . . Former law made the prerogative which was before only personal and granted to King James now made royal and common to the King and his successors.'⁸⁸

One important detail of the Proceedings does not tally with other accounts. In it, the author states that the contentious proposal to put two very different acts together for voting purposes came neither from the King nor his Council, but the Clerk Register. Rothes, as was predictable, objected and argued his case. At this point the King cried 'boisterously, agree or disagree, not suffering him to speak any more'. Voting proceeded and the assentors claimed victory.⁸⁹ The count was questioned.

The second contentious measure to be passed, Act 4, claimed to ratify all

previous acts intended to safeguard the liberty and freedom of the Kirk. Rothes immediately pointed out a catch in this. He would vote for the Kirk, he declared, but not for an act which endorsed the Five Articles of Perth. He voted against it and his lead was followed by the Earl of Cassilis, some other lords and a significant number of lairds and burgesses. Only the bishops gave the King their muted support. Once again the voting figures were questioned. Lord Burleigh said 'they were not justly distinguished. The King asked at one beside, I believe it was the Chancellor, whether he might say so. The person answered "yes if he could prove it".' Then, said the King, 'if any man will allege the clerk has done wrong, at his own peril be it.' Burleigh said 'there was no wrong because it may be he hath overheard.' 'If it be so I am overheard,' said the Clerk. 'But Burleigh would have urged a new vote if he had been sure that every man would have voted as he did before'.⁹⁰

The Proceedings analyse the voting. 'The assentors for the most part were noblemen. No representative persons of any corporations and bishops'. Some voted twice, as nobles and officers of state 'who are the King's creatures'. Englishmen 'who have not a foot breadth of land in Scotland' also voted and proxies were easily 'procured'.⁹¹ The titles freely dispensed during the King's visit also influenced events.⁹² Nearly all contemporary accounts record the anger aroused when the King was seen to make a note in writing of the way votes were cast. The Proceedings went further in claiming 'that thereafter as occasion occurred, he might cross them, a proof whereof some have found already.'⁹³

Acts 3 and 4 were not the only ones to provoke dissent. The first act to be moved proposed taxation of thirty shillings termly upon the pound land to be

paid in six instalments.⁹⁴ The sense of grievance which taxation increasingly provoked arose in part from a widespread belief that it had risen very sharply in the course of a few years. There was some truth in this. When Haddington (then Earl of Melrose) informed James VI in 1621 of the taxes he and his colleagues intended to put before the forthcoming convention, he expressed his confidence in 'the large help which may be exacted of the wealthier sort which heretofore have been free of all taxation'.⁹⁵ It was for this reason that the new tax, an extraordinary tax on annual rents, which that convention imposed, was seen not only as a novelty 'which many abhor' but also 'a discovery of their misery and an overthrow of their credit'.⁹⁶ In 1633 the same feelings prevailed. The extraordinary tax of 1621 was even more unpopular when, in 1633, it was levied at a rate of 6¼ per cent instead of the 5 per cent previously demanded. It fell heavily on the burghs and increased the fear felt by all taxpayers that any change was synonymous with an increase in taxation.⁹⁷

Another of the proposed fiscal reforms was a reduction in the maximum charge on interest from 10 per cent to 8 per cent. This might have earned the King some popularity, but not after it became known that in the three years which would elapse before the change was effected, the 2 per cent difference, popularly known as the 'twa [two] of ten', would go to the Crown. In addition to these two measures, which taxed both creditors and lenders, a special levy was introduced of ten shillings in the pound land of Old Extent. The 200,000 merks this would bring in was intended to provide the Court of Session with an annual subsidy.⁹⁸

John Maxwell's account of the King's carriage in Parliament partly confirms the impression given by the author of the Proceedings. Writing on 24

June to his father Sir John Maxwell of Pollok he informed him that the taxation of £60,000 Sc. for six years was not sought by the King but offered by the Chancellor and Estates. When the contentious 'twa of ten' tax came to be debated the King 'said and showed it was none of his suiting [asking] but was desired by the Lords of the Articles and by them he was offered the 2 per cent'. To assuage their fears that he might claim the 2 per cent in perpetuity and 'to give content' he promised never to extend the date.⁹⁹

In spite of this conciliatory gesture, Parliament ended on a sour note with many unsatisfied. The King did not forgive Rothes or the other dissidents for the part they had played. It is not surprising if 'the English marvelled to see such signs of displeasure in him against . . . the noblemen notwithstanding that he had attained to his intent'.¹⁰⁰ This was true. The three Acts which had aroused such powerful and mixed emotions were passed. The King's most vocal critics, on the face of it, appeared to accept defeat. Parliament was still controlled, as it always had been, by the King's nominees.

With parliamentary business behind him, the King spent the rest of his time in Scotland visiting his own palaces, or the houses of courtiers and state officers. From Linlithgow, where he spent the night of 1 July, he proceeded to Stirling, where the castle owed so much to the renaissance tastes of his forebears. At Perth he stayed at Gowrie House, made famous by the conspiracy of 1600, but now the property of the newly ennobled Earl of Kinnoull, his Chancellor. In honour of the royal visit the town was permitted to organise a theatrical display. Once again what was discouraged in England was sanctioned in Scotland, where not only Edinburgh, but a lesser city like Perth, was encouraged to celebrate.

The Chancellor's house fronted the Tay and it was on decorated rafts anchored in the river that thirteen members of the Corporation of Glovers, all in green 'with bells about their legs', presented an act featuring acrobatics and sword-dancing. The city also advertised, by means of an ode, its need to rebuild the bridge which floods had destroyed in 1621. No money resulted and consequently, until 1772 the Tay was passable only by ferry.¹⁰¹ In addition to the civic entertainment offered by Perth, the King was also presented with the spectacle of a 'show and muster' of armed Highlanders. Their presence was requested by the Privy Council and if it was inspired by the King, it is evidence of an interest in his Highland subjects which Charles I had not previously displayed. In a letter written in 1629 to the Earl of Menteith, he proposed that it might prove advantageous to send some of them to Nova Scotia, 'thereby disburdening that Kingdom [Scotland] of that race of people'.¹⁰² The clansmen on display may have impressed him with the power of the Campbells, who had provided them, but the King went no further north than the gateway to the Highlands.¹⁰³ On his way south he stopped again at Falkland, where hunting detained him. He left Fife on 10 July, crossing the Firth of Forth by boat, from Bruntisland to Leith. On the way a sudden squall arose, sinking an accompanying ferry boat which carried all the King's silver and 'plenishings' (household goods which included tapestries).¹⁰⁴ The same day the King was back at Holyrood.

In the course of his tour, he would have seen signs of growing prosperity in a country where peace encouraged a new optimism. He was accompanied on his travels by a painter, Alexander Kierinex (or his assistant) who was instructed to record all the houses in which they stayed. Only two of his

paintings survive.¹⁰⁵ One of them shows Seton Palace, which was not only a building of great originality, but an indication of the sweeping changes taking place in Scottish domestic architecture. No builders were more innovative than the Setons, significantly a family with strong court connections.¹⁰⁶ The account books kept by the third Earl of Winton between 1627–1630 shows what a keen interest the family took in the construction of its houses.¹⁰⁷ The French influence on Scottish architecture was still strong. In 1632 Sir Robert Kerr advised his son to build ‘in the fashion of this country or France’.¹⁰⁸

At the same time that the Setons and the first Marquis of Huntly (a Seton in the male line) were displaying their familiarity with continental trends, the majority of their fellow countrymen belonged to a more traditional school. The tower Sir John Scot of Scotstarvet erected in 1627 was as dour and unyielding as any sixteenth-century Border keep.¹⁰⁹ The contrast is quite notable and may arise from the fact that many Scots, while they welcomed more peaceful times, were not convinced they were permanent. Sir Robert Kerr, writing to his son regarding the changes proposed for Ancram Tower, emphasised the risk involved in modernising the windows ‘because the world may change’.¹¹⁰ An increase in domestic spending was not confined to the Lowlands. In the west Highlands it was the house of Argyll and its cadet branch of Glenorchy whose chiefs were in a position to display the civility and calculated splendour their rank demanded.¹¹¹ For his house of Balloch, Sir Colin Campbell commissioned portraits from a resident German painter who was paid £1,000 Sc. for his endeavours.¹¹²

The growing prosperity of Scotland has a bearing on the King’s visit to

that country because of the impression it may have made on him. On his northern travels he was greeted everywhere by dutiful hosts and hospitality on so lavish a scale that both could have led him to believe that there was no marked difference in wealth and attitudes between Scotland's leading families and their counterparts in the south. His optimism, and a belief that the visit had been successful, was shared by some of the Englishmen who accompanied him. In a letter written on 3 July from Stirling Castle by the Lords of Council and addressed to the Lords in London, they reported that in parliament 'all [was] granted with alacrity'.¹¹³

On his journey south, passing through East Lothian, King Charles was entertained by James Maxwell, a Groom of the Bedchamber, at his castle at Innerwick.¹¹⁴ He stayed there a night and left Scotland, via Berwick, the next day.

What had he hoped to achieve by his visit and what was its outcome? Between Scotland and its King there existed sentimental ties which lent great significance to the coronation. As part of its ritual, the King touched one hundred persons suffering from the King's evil (scrofula). Gold medals were hung around their necks and according to one credulous authority, all were cured.¹¹⁵ It is interesting to see such practices were still acceptable in post-Reformation Scotland. Only the aura which surrounded the monarchy could have ensured their survival. It was certainly among Charles I's intentions that the coronation should advance the cause of a unified church, with a liturgy common to both countries. In considering how widespread was opposition to the King's ambitions, it needs to be remembered that he did have supporters as well as opponents. This is easily forgotten when many of the written

sources which survive come from those who actively disapproved of bishops and called for the repeal of the Five Articles. In the course of the King's visit he was presented with several petitions. The one to attract least notice was signed by conformist ministers, whose only request was that the rules laid down by James VI should not be rigorously enforced by his son.¹¹⁶ This view was probably shared by a majority of ministers, some of whom would find themselves deposed in the wake of the Covenant, for religious non-conformity.¹¹⁷

The King can rightly be blamed for listening to the impatient Laud at the expense of the more cautious Scots bishops. His reverence for the English liturgy also blinded him to the fear of Popish practices it aroused in Scottish minds. At the same time there is another side to the traditional story of an obstinate, blinkered king who would listen to nobody.

When Rothes and Loudoun gave in their petition, the account of the King's actions recounted in the Proceedings previously quoted shows that it was on the advice of some councillors and bishops that the King decided to ignore it. In the same way, when two dissimilar acts were voted on together, the unpopular decision to do so was made neither by an insensitive Privy Council nor an overbearing monarch, but by the Clerk Register. If this account is accurate, the picture which emerges is of an inexperienced king, obstinate in some fields, but prepared to seek information in others. It is in this area, where he sought guidance, that there is doubt about the advice he received.

Some of the events which are said to have taken place are also open to question. The best known contemporary accounts of the 1633 Parliament emphasise the King's intransigence throughout, and his sharp response at the

last session to the Earl of Rothes' intervention. Bishop Burnet, when he wrote his account of these events a generation later, included in it a graphic description of the confrontation which supposedly took place between the Earl and the King over the count of votes. Rothes, he claimed, contended that with his sovereign's connivance, the figures had been rigged. He backed down only when threatened with a capital charge. This exchange shows the King in an insensitive, bullying light. The Proceedings tell a different story. It was Lord Burleigh, this source relates, not Rothes, who questioned the figures, and the King's response was not dramatically uncompromising. He merely told the Clerk that had a mistake occurred, the blame was his, to which the Clerk agreed.¹¹⁸

If this incident led to an accusation that the King was guilty of dishonourable conduct, he had some cause to feel aggrieved. In a letter of Mr John Maxwell to his father, he told Sir John that 'the votes were equally almost divided . . . But sundry noblemen having proxies for others that were absent carried their vote likewise with them.'¹¹⁹

It is hard to see where the Privy Council stood in the tangled politics of 1633. How much support did it offer the King? To judge from evidence which is often contradictory, it did not have a settled policy on what the King's role should be in his first Scottish Parliament. There were several reasons for this. In the first place there was no understanding between the Chancellor, a sick, tactless man, and his stiff, formal sovereign. Secondly, what the Privy Council represented more than anything else was the nobility of Scotland, to which thirty-two out of its forty-six members belonged.¹²⁰ The Act of Revocation and the reform of the Court of Session were both measures designed to lessen

their power and that of the great lairds who were also Councillors. No conciliatory gesture had been offered in return for their losses (though in the case of the Revocation, these were much less than had been feared at first). On the contrary, the punishment inflicted on Ochiltree and the humbling of Strathearn were indications to the most powerful group in Scotland, that its services were no longer so highly valued that they could count on the King's continuing favour with any confidence.

This was the King's most dangerous mistake, and the discontent it engendered would be further exacerbated when only a year later another peer, Balmerino, was put on trial for his life.

Notes

1. RPC, 2nd series, I, 151; *Extracts from the Records of the Burgh of Edinburgh 1626-1641*, ed. M. Wood (Edinburgh 1936), 46, 100; HMC, *M&K* (1930), 245-246.
2. RPC, 2nd series, I, 9-10, 151.
3. Lord Napier, *A true Relation*, 104.
4. *Accounts of the Masters of Works*, ed. J. Imrie and J. Dunbar, (Edinburgh, 1982), II, xx-xxvi; RPC, 2nd series, V, 52-53.
5. RPC, 2nd series, V, 4.
6. RPC, 2nd series, V, 17. The jealousy aroused in Scotland by the Court is illustrated in *Scotland's welcome to her native Sonne and Sovereign Lord, King Charles* by William Lithgow in which the poet expressed the hope that
*Nobles shall post no more to London, but remayne
at home and spend their rent where grows their grain.*
The Poetical Memoirs of William Lithgow, ed. J. Maidment (Edinburgh, 1863).
7. *RPC 2nd series V*, 45.
8. *RPC 2nd series V*, 13-14. One contemporary claimed that the King came north with 500 English attendants; J. Spalding, *Memorialls of the Trubles in Scotland and England AD 1624-AD 1645*, ed. J. Stuart, Spalding Club (Aberdeen, 1850), 2 vols., I, 33.
9. 'Travels of Sir William Brereton' (in 1636), *Early Travellers in Scotland*, ed. P. Hume Brown (New York, 1970), 136.
10. Balfour, *Historical Works*, II, 168.
11. D. Bergeron, 'Charles I's Royal Entries into London', *The Guildhall Miscellany* (London, April 1970), III, 91-97.
12. RPC, 2nd series, V, 110, 113-114.
13. The lairds were backed up by the feuars, bailies and the local labour force in each designated area. RPC, 2nd series, V, 110.
14. RPC, 2nd series, V, 71, 82.
15. RPC, 2nd series, V, 14; Traquair's advance in royal favour is illustrated by an order from Court, 24 April 1633, that he is to sign all packets 'sent about His Majesty's service and affairs from the Court or from London to Scotland'. HMC, *9th Report*, Part 1, Appendix and Index (31), 245; Traquair Ho. MSS.

16. RPC, 2nd series, V, 21.
17. Ibid., V, 37-38, 69.
18. Ibid., V, 8-9.
19. Ibid., V, 29, 32, 35.
20. SRO GD 26 x 7; Leven and Melville, *Muniments*, no date.
21. RPC, 2nd series, V, 29.
22. SRO GD, 112/39 (504). *Breadalbane Calendar and Letters 1600-1669*. SRO GD, 112/39 (486). The birds Sir Colin was asked to supply make interesting reading. They include fed capons, moorfowl, puts (young partridges or chickens), turkeys and dotterels. On 29 June Sir Colin was asked by the Council to provide a body of well-appointed Highlanders to make an appearance before the King when he reached Perth. SRO GD, 112/39/50. *Breadalbane Calendar and Letters 1600-1669*. Printed in *The Black Book of Taymouth*, ed. C. Innes, Bannatyne Club (100) (Edinburgh, 1855), 437-8, but with some councillors' signatures missing.
23. RPC, 2nd series, V, 56-57, 139-141.
24. SRO GD, 112/39 (496).
25. RPC, 2nd series, V, 101.
26. Ibid., 114.
27. D. Calderwood, *History*, VII, 364-369.
28. Balfour, *Historical Works*, II, 206.
29. Ibid., 206; J. Row, *History*, 356.
30. Balfour, *Historical Works*, II, 207.
31. Ibid., 206; J.A. Inglis, 'Sir John Hay the Incendiary', *SHR* XV (1918), 124-145.
32. Balfour, *Historical Works*, II, 207.
33. NLS, Wodrow, fo. xliii, 2. A detailed account of the King's interviews at Dalkeith and the parliamentary proceedings which followed. The MS is entitled *The Proceedings of the Parliament held in Edinburgh in June 1633*. Although there are other contemporary accounts of the 1633 Parliament there are details in the *Proceedings* and some omissions, which indicate it was the work of an independent witness, probably a minister.

34. NLS, Wodrow, fo. xliii; Sir James Balfour's account is somewhat different. He says that the petition, when presented to the King was received by him and read without comment. Balfour, *Historical Works*, II, 216; J. Row, *History*, 362 gives 13 June as the date.
35. Balfour, *Historical Works*, II, 207; J. Row, *History*, 357 prints the petition's title with 24 May substituted for 29 May as the date on which it was presented to Sir John. The full title is *Griuances and Petitions concerning the disordered Estaite of the Reformed Kirke within this Realme of Scotland presented upon the 29th May 1633 by me, Master Thomas Hogge, Minister of the Euangell in my auen name and in name of the others of the ministrie lykwayes greiued to Sir John Hay, Clerk of Register to be presented by him to such as ought, according to the order appoynted, to consider them that thereafter they may be presented to his Majesty and Estaites which were to be assembled at this ensewing Parliament.*
36. J. Row, *History*, 358; NLS, Wodrow, fo. xliii. The author of the *Proceedings* claims that after Hogg's visit, Morton tried to dissuade the King from enforcing the oath in its amended form.
37. J. Row, *History*, 358.
38. *Ibid.*, 357-362.
39. RPC, 2nd series, V. 110-112. One problem discussed by the Council was whether the English 'shall ride together after his Majesty or . . . promiscuously with the natives'. *Memoirs of the Maxwells of Pollok*, ed. W. Fraser, II, 229-232.
40. RPC, 2nd series, V, 58, 59, 106.
41. J. Spalding, *Memorialls*, I, 34.
42. SRO GD1, 33/33/17. *The Entertainment of the High and Mighty Monarch, Charles, King of Great Britain, France and Ireland, unto his ancient and royal city of Edinburgh, the 15 June 1633, printed at Edinburgh by John Wreittoun 1633.* Balfour, II, 196-198.
43. J. Spalding, *Memorialls*, I, 35.
44. SRO GD, I, 33/33/17.
45. *Ibid.*
46. NLS, Wodrow, fo. xliii, 3.
47. *Ibid.*, 2.
48. *Ibid.*, 2.
49. Moray Papers, Box No. 145, Letter No. 535.

50. J. Spalding, *Memorialls*, I, 36.
51. The Earl of Kinnoull, then Sir George Hay, was asked to acknowledge St Andrews' precedence in July 1626, but refused. In 1633 the King only asked him to cede his place for the coronation. Balfour, *Historical Works*, II, 141-142; *Peerage of Scotland*, ed. J. Balfour-Paul; Sir George Hay was made Viscount Dupplin in 1627 and Earl of Kinnoull in 1633.
52. Balfour, *Historical Works*, II, 142. Lyon, in this passage, was Sir James Balfour himself, who as the country's leading herald, was Lord Lyon King of Arms.
53. J. Spalding, *Memorialls*, I, 36.
54. C. Burnett and C. Tabraham, *The Honours of Scotland: the story of the Scottish crown jewels*, (Edinburgh, 1993).
55. Although Rothes had an obvious claim to carry the sceptre before Charles I, Buchan appears to have been quite fortunate in being allotted the sword. His earldom ranked low in the Decreet of Ranking of the Nobility and this determined its status until 1628 when by a decree of the Court of Session its precedence was declared to date from 1469. *SP*, II, 272. A decret is a judgment or sentence. The Earls of Buchan based their claim on the fact that the earldom was one of the seven earldoms or mormaers of the earlier Pictish kingdom as shown in their coat of arms.
56. In that year, at the behest of James VI, all peers who were not minors were called upon to produce evidence in support of the precedence, which through their titles, they claimed. NLS, Advocates MSS, 15.2.18. Notes of Sir James Balfour ... order of Riding of Parliament.
57. RPC, 2nd series, V, 106, 107. In a letter from Thomas Bruce to the Earl of Morton on 21 May 1633, he was careful to say that whatever the name of his newly conferred title, he would preserve the due order of precedence. SRO GD, 150, 1439-1543 A 3443/1-23(3).
58. An unpublished article by Sir Iain Moncrieffe of that Ilk entitled 'Coarbs and the Succession to the Crown Bearing' gives a detailed account of the families who shared the descent on which the heads of the two houses of Douglas and Argyll both based their claim to crown the king. In 1651 this right was exercised by Argyll at the coronation of Charles II at Scone on 1 January and in 1617 when James VI took part in the Riding of Parliament, Argyll carried the crown; D. Calderwood, VII, 250; The Earl of Angus was created Marquis of Douglas on 17 June in the drawing-room at Holyrood; Balfour, *Historical Works*, II, 202.

59. NLS Ms 82 fo. 12. Erroll was in touch with the King about his rights as Constable in April 1633; J. Spalding, *Memorialls*, I, 38.
60. J. Row, *History of the Kirk of Scotland*, 379.
61. C. Terry, *The Scottish Parliament, Its Constitution and Procedure 1603-1707* (Glasgow, 1905), 103; *SHR*, XIII (1916); R. Rait, *Parliamentary Representation in Scotland. The Lords of the Articles*, 68-83.
62. APS, I, Preface 10; R. Rait, *The Parliaments of Scotland*, 353.
63. C. Terry, *The Scottish Parliament*, 104; The word Articles was first used in 1424. NLS 22.3.6.
64. C. Terry, *The Scottish Parliament*, 110. The parliament of 1467 provides evidence on the working of the Articles. R. Rait, *The Parliaments of Scotland*, 362.
65. APS, III, 530; R. Rait, *The Parliaments of Scotland*, 368.
66. J. Row, *History*, 379.
67. *Ibid.*, 379.
68. APS, IV, 281-4. In 1580 a General Assembly unanimously declared the office of bishop 'unlawful' and in 1587 parliament passed an Act of Annexation depriving bishops of their temporalities or lands. Only Episcopal spiritualities (teinds) and castles were exempted; APS, III, 433; In 1606, James succeeded in getting the 1587 Act annulled; W.R. Foster, *The Church before the Covenants* (Edinburgh and London, 1975), 9-18.
69. *Order and Progress of the Parliament (held in Edinburgh) October 1612*, Maitland Club, Misc. III (1842), 112-118. APS, IV, 465-467.
70. Randolph to Cecil, 3 June 1563, quoted by R. Rait, *The Parliaments of Scotland*, 367.
71. C. Terry, *The Scottish Parliament 1603-1707*, 108, Appendix VIII, 110.
72. *Ibid.*, 108.
73. *Ibid.*, Appendix XIII, 181.
74. RPC, 2nd series, IV, 273-7.
75. D. Calderwood, *History*, VII, 250.
76. C. Terry, *The Scottish Parliament*, 104.
77. *Ibid.*, 106.

78. Previously William Douglas, Earl of Angus.
79. APS, V, 9.
80. NLS, Wodrow, fo. XLIII.
81. Ibid., 4.
82. Ibid., 3.
83. Ibid., 5.
84. Ibid., 5-6.
85. Ibid., 6.
86. Ibid., 7.
87. Ibid., 7.
88. Ibid., 7. APS, V, 13-43.
89. Ibid., *Memoirs of the Maxwells of Pollok*, ed. W. Fraser, II, 235.
90. NLS, Wodrow, fo. XLIII, 9.
91. Proxies were an important factor in the voting figures. Of sixty-five peers listed in the 1633 records, nineteen exercised a proxy vote. APS, V, 7-9; *Memoirs of the Maxwells of Pollok*, ed. W. Fraser, II, 235-40.
92. The King created fifty-four knights while in Scotland as well as one marquess, ten earls, two viscounts and eight lords. They are all listed in Sir James Balfour's *Historical Works*, II, 202-204.
93. NLS, Wodrow, fo. XLIII, 10. Another account of the last session of Parliament is contained in two letters from John and William Maxwell respectively to Sir John Maxwell written on 28 June and 29 June 1633. *Memoirs of the Maxwells of Pollok*, ed. W. Fraser, II, 235-240.
94. All the acts passed are listed in APS, V, 13-165.
95. *Melrose Papers*, II, 425.
96. Ibid., II, 425.
97. J. Row, *History*, 365-6; APS, V, 14-15.
98. APS, V, 40-41; Maurice Lee makes the point that a similar charge had been introduced in England nine years earlier: M. Lee, *The Road to Revolution*, 133. A pound land of Old Extent was about fifty-two acres. Two such pound lands was the basis of the franchise for all who held their land directly of the King. Ibid., 146. n.48.

99. *Memoirs of the Maxwells of Pollok*, ed. W. Fraser, II, 237.
100. NLS, Wodrow, fo. XLIII (10); Balfour, *Historical Works*, II, 199; Fraser (ed.), *Memoirs of the Maxwells of Pollok*, II, 233-7.
101. R. Chambers, *Domestic Annals of Scotland*, 3 vols. (1858), II, 67-8; *Ordinance Gazetteer of Scotland. A Survey of Scottish Topography*, 6 vols. (London, n.d.), V, 179.
102. *Menteith* (1880), II, 21-22. The Council in February 1633 wrote to 'the chief islanders' asking them to play a part in the King's visit 'in their best order'; RPC, 2nd series, V, 33.
103. SRO GD, 112/39/50; *Taymouth*, 437-8.
104. The ship was called *The Blessing*. In one account thirty-three people drowned and in another only eight. Some witches who were burnt in Lancashire were accused of causing the ship to sink. Balfour, *Historical Works*, II, 134, 141-142; J. Spalding, *Memorials*, I, 40-41; S.R. Gardiner, *History of England 1603-1642*, 10 vols., VII, 323-326.
105. They are in the Museum of Antiquities in Edinburgh. It has been questioned whether Kierinex himself went to Scotland or instead worked on the sketches provided by an assistant who did.
106. The two Seton earldoms were Winton and Dunfermline. Between them they built Seton Palace, Fyvie Castle, Pinkie House and Winton. D. McGibbon and T. Ross, *The Castellated and Domestic Architecture of Scotland*, 5 vols. (Edinburgh, 1887-1892), IV, 187-9; II, 348-55; IV, 392-99; II, 520-529; G. Seton, *A History of the Family of Seton*, 2 vols., (Edinburgh 1895), II, 788-801.
107. HMC, Forbes Leith MS, App. to second report I(II), 199.
108. *Ancram*, I, 66.
109. McGibbon and Ross, *Castellated and Domestic Architecture*, II, 40-3.
110. *Ancram*, I, 62-3.
111. D. Mathew, *Scotland under Charles I* (London, 1955), 108-9.
112. Sir Colin was also a patron of George Jamieson, Scotland's first native portrait painter of any consequence; *Taymouth*, 75, 77, 78-89.
113. *CSPDom. Charles I*, ed. J. Bruce and W. D. Hamilton, 17 vols. (1858-82), 1633-1634, 126. Secretary Coke to Secretary Windebank 2 July: 'The Parliament is ended with much satisfaction to His Majesty in every point.'
114. To entertain the King though a mark of favour, was an expensive honour for a mere Groom of the Bedchamber. Innerwick was not

designed for massive entertainment as it was a fortified castle, built above a steep slope. McGibbon and Ross, III, 325-328.

115. Balfour, *Historical Works*, II, 201.
116. NLS, Wodrow, fo. XLIII.
117. Traquair Ho. MSS, Bundle 27.
118. NLS, Wodrow, fo. XLIII; Burnet, *History*, 1753, I, 28; J. Row, *History*, 367.
119. *The Maxwells of Pollok*, ed. W. Fraser, II, 235.
120. These are the numbers of the reconstructed Council of 1631. RPC, 2nd series, IV, 187-190. Between then and 1633 two more bishops, of Moray and Edinburgh, were appointed. Nine Englishmen including Laud were added to the Council during the King's visit to Scotland.

Chapter 7

BALMERINO'S TRIAL, 1634-35

The mood prevailing in Scotland when the King left the country was not the same as that which had greeted his arrival. Although the rejoicing expressed at his coming had been quite genuine, so were the doubts he left behind him at his departure. When the celebrations came to an end, it could be seen that in politics, as in religion, the King's actions posed more questions than they answered.

The Royal authority exercised by Charles I at his first Scottish Parliament was no more heavy handed than that of his father on many similar occasions, but by 1633 the tide was running against such royal practices. Of this the King appears to have been unaware. There were no Scots either at court nor on the Privy Council whose views commanded his unqualified respect, though Hamilton, and to a lesser degree, Stirling¹ could always get a hearing. When the 1633 Parliament ended neither had any reason to risk the King's disfavour by questioning his Scottish policies, for to both they brought benefits. Hamilton was the newly-appointed Collector General of the Taxation, with £40,000 stg. out of tax, added to his fee.² Stirling had the King's full support in his promotion of Canada and the Nova Scotia baronets. This was in spite of the fact that in 1632 Canada (including Nova Scotia) had been ceded to France.³ As the King continued to support the creation of new baronetcies even after the loss of Nova Scotia, it is evident that political events had overtaken the Earl of Stirling's ambition to develop a New Scotland in Canada. What the King looked for from the new order was money. Each baronet paid

2,000 merks.⁴

Among the titles conferred on Stirling on 14 June 1633 was Viscount of Canada.⁵ Although he occupied the prestigious post of Principal Secretary and sat on numerous important Scottish committees, the new Viscount never won the respect of the Council nor gained for himself a secure power base. As a laird's son from a county as poor as Clackmannan, he lacked both wealth and powerful kin while his long residence at Court alienated his home-based fellow countrymen. It was they who had planned the King's reception in Scotland and the lavishness of their welcome reflected nationalistic pride and a fear of earning the English Court's contempt.

These pitfalls were avoided, but the price paid was high. In Burnet's disapproving words, 'all was entertainment and show',⁶ while Clarendon, writing after the Restoration, was in a position to strike a prophetic note: 'the debts contracted . . . by the nobility and gentry . . . did very much contribute to . . . that fire which shortly after broke out in so terrible a combustion'.⁷

Apart from the debt incurred, what came of the King's visit? The honours which the King had distributed so freely before leaving Scotland were welcome, but they brought with them neither power nor money. From the role played by the Council both before and during the royal progress, it appears that the only policy shared by nearly all its members (the Bishop of Ross and the Earl of Nithsdale were notable exceptions) was opposition to the King's reforms. They feared the risks entailed and the threat Charles I's policies posed both to their power and their possessions. Although these fears are understandable there was also an innate conservatism and in-built caution in the Council's most senior members which militated against any changes so

drastic as those envisaged by the King.

His visit to Scotland also destroyed any understanding which had been established as a result of the three young peers' dialogue with their sovereign at Whitehall earlier in his reign. After their stand in Parliament and Rothes's unsuccessful meeting with Charles in Dalkeith the latter had no wish to renew contact with those he now regarded as 'disassentors'. The underlying dissatisfaction with the King's reforms which had emerged while Parliament sat left the King's Councillors in a vulnerable position. Opposition was seen to centre on a small body of active, articulate noblemen, who were none of them on the Council. As a result, their actions left the Council itself in what amounted to a political vacuum. Its members were at best unenthusiastic in the support they were prepared to give to the King's programme of reforms. At the same time they were in no position to earn his disapproval by encouraging a group of his most vocal critics to question decisions, to which the Council members themselves, however reluctantly, had already agreed.

In the event they did nothing, and action passed to the dissidents, with Rothes at their head. He and his supporters were particularly incensed by the stage-management of Parliament they had just witnessed and of which they felt themselves to be the victims. The method by which the Lords of the Articles were selected and the King's refusal to sanction informal meetings with them before legislation was decided upon, were both resented. Through such means the Crown ensured that noblemen not on the Articles had no way of influencing the acts and statutes they were subsequently called upon to support in Parliament. They were excluded from power and the Supplication is one consequence of this policy.

After Parliament dispersed, but while the King was still in Scotland, some of the nobles held meetings and another more detailed petition was drawn up.⁸ To their group was added a lawyer, William Haig, whose views coincided with their own. Haig had recently succeeded his brother James, as laird of Bemersyde, had studied civil law in France and acted as Crown Solicitor both to James VI and Charles I. He had been involved in politics for some time and took an active interest in the reform of the tax system.⁹ In 1607 he wrote a paper on the Union of the Crowns which was presented to James VI by Lord Erskine and in 1613 he wrote another, rashly defending the King's disgraced favourite, Robert Kerr (or Carr), Earl of Somerset.¹⁰ Haig was also a pamphleteer and a keen astrologer.¹¹

With Haig's active assistance, a petition was drawn up. It was shown to Balmerino, who wanted some changes made. He spoke of this to Rothes, when John Kennedy, Earl of Cassilis and some other peers were present, but none of them approved. Although the King had already ordered the suppression of all similar petitions, it was decided to bring the Supplication to his notice before he left Scotland. On 18 July the Royal party stopped a night at Dalkeith. Rothes with two other nobles, Cassilis and Lord Hay of Yester, went there too.¹² On the way they decided not to show the Supplication to the King, but Rothes changed his mind. On Charles I receiving him, he took the opportunity to defend himself 'anent information . . . given against him' to the King, and then mentioned the Supplication. 'Sir . . . there is a petition given me . . . which I have according to Your Majesty's commands suppressed. If Your Majesty be pleased to look upon it'. In Rothes' evidence, the King's reply was evasive. 'It is no matter: I have no leisure: I am going to the

park'.¹³ This exchange conflicts with evidence put forward by the Crown. According to the King's Advocate, what Charles I said to the Earl was: 'My Lord, you know what is fit to you to represent, and I know what is fit to me to hear and consider; and therefore do or do not upon your peril'.¹⁴

Bishop Guthry in his *Memoirs* named Balmerino as the author of the Supplication but Burnet and Row thought it was Haig. As many of the points it made had been raised earlier, it is more likely to have been the work of a group, with Haig, backed by Rothes, as its main architects. Of the various contemporary accounts that exist of Balmerino's trial, Burnet's is the most convincing. He kept an abstract of all the pleadings and was obviously familiar with the case. His father, he wrote, was a friend of Lauderdale's, who sat on the jury and in whose opinion 'the ruin of the King's affairs in Scotland were in great measure owing to that prosecution'.¹⁵

On parting from the King at Dalkeith, Rothes kept the Supplication for a few days, before returning it to Balmerino. During that time he had a copy made. Nothing more was heard of the paper for some months, but in Burnet's view Balmerino hoped to present it again at some future date. With this in mind he showed it to a notary from Dundee, Mr John Dunmure, who often visited him.¹⁶ After some discussion, Dunmure asked if he might take it away. He was told 'yes but let it be tibi sole' (for yourself only).¹⁷ He kept it some days and after making a copy, returned the paper to its owner. The copy he showed to Mr Peter Hay of Naughton 'around Lammas' (1 August).¹⁸ He, too, asked for a loan of the Supplication and was given it on the understanding that no one else should see it. Dunmure, according to his own account, tried to get the paper back, but without success. In October Hay

informed him that he had given it to the Archbishop of St Andrews. It then went to the King, as Spottiswood thought it was a petition 'going about for hands'.¹⁹ All contemporary accounts agree that it was in this way Balmerino's Supplication came to the King's notice, but in almost none of them is any emphasis placed on Spottiswood's suspicions. Nevertheless, they do deserve to be examined.

When the King decided to take action against what, in his view, was 'a most scandalous, reproachful, odious and seditious libel' the first cause for complaint was that it was being both 'divulged and dispersed amongst His Majesty's lieges'.²⁰ Burnet, probably on Lauderdale's authority, claimed that the Supplication, when in Balmerino's hands, was intended to attract signatures. If this is true, it was on the way to becoming an earlier version of the National Covenant – in which case the Archbishop's anxiety becomes understandable. The paper he received from Hay may have looked to him more like a round robin than a private communication. According to Burnet, this is certainly what it was first intended to be: 'The party were resolved not to let it [the Supplication] go so, and intended to get many hands to it, and so to send it after the King, yet the thing cooled'.²¹ But did it?

In Dunmure's evidence, which he gave before the Archbishop and others, on 7 June 1634, he described the attempts he made to get the copy of the Supplication he had lent to Peter Hay back from him. The first time he tried, Hay answered 'tritle, trattle, ye need not be so curious; that there was a gentleman at his own table told him that there was three copies thereof going through Fife, and my lord Balmerino had given one thereof to Mr William Scott, another to Mr Alexander Henderson and the third that the gentleman

would not name'.²² Of these three men, one of them, Alexander Henderson, is remembered as the very distinguished minister who not only played a major part in the creation of the National Covenant, but was one of the chief architects, on the Scottish side, of the Solemn League and Covenant. Dunmure's evidence suggests that the Supplication was more public than has previously been assumed. If this is true, there was also cause for it.

Once the King left Scotland in the summer of 1633 the political opponents he left behind him, of whom the Earl of Rothes was the most notable, found that they were no longer in contact with the Court. It is not unreasonable to suggest that what they wanted most was to re-open the dialogue which in the King's eyes was closed. To do this, they required publicity. The Supplication which Rothes pressed so unsuccessfully upon Charles I at Dalkeith contained all the arguments which the King, through the Articles, had succeeded, as he hoped, in suppressing at the June Parliament. Politically speaking, it seems unlikely that Lord Balmerino's private library was intended as a final resting place for any document so explosive as the Supplication.

Bearing this in mind, it does strike one as suspicious that John Dunmure, who was one of Balmerino's intimates and the member of a responsible profession, should have acted as he did. Contrary to assurances given, he lent the paper to Mr Peter Hay of Naughton, who was not only an enemy of Balmerino's, but a public figure whose religious views had already attracted favourable notice at court.²³ In 1627 the King instructed Archbishop Spottiswood to ensure that a book of Hay's be published, as the religious views expressed in it deserved publicity.²⁴ In following the course he did, Dunmure can only have had one of two objects in mind. Either he intended to

land his employer and friend in serious trouble, or he was following instructions. If the second alternative is pursued, Dunmure's clumsy blunder emerges in a new light, as one element in a highly sophisticated plot. And if such a plot indeed existed, its sophistication lay primarily in the choice of actors.

If the trial now remembered by Balmerino's name had centred on Rothes, it would not only have been less effective, but very risky for the accused. After his stand in Parliament and the part he had played at Dalkeith, the King regarded him as a dangerous trouble-maker.²⁵ If the group he headed was looking for a spokesman who would bring the fears and dissent expressed in the Supplication to the King's notice, Rothes was the wrong man to choose.

Balmerino, on the other hand, had played no significant part in politics before 1633. In Scottish eyes he was a figure untouched by controversy, the son of a distinguished father whose career had been blighted, in questionable circumstances, by James VI. His situation recalls that of the 2nd Earl of Essex who like Balmerino was the son of a disgraced courtier.

In 1599 the 1st Lord Balmerino, who was then Secretary of State, wrote a letter to Pope Clement VII, with the King's apparent connivance, expressing a high regard for the Catholic religion.²⁶

The King undoubtedly approved of the letter, but may not have agreed to all its contents. In 1608 the matter became public and it was decided that Balmerino should be made the scapegoat. He was very harshly treated, stripped of his Privy Councillor's robes and condemned to death for treason in 1609. He died, disgraced, three years later. His son did not succeed to the title, but was restored in blood and to the peerage by a letter under the Great Seal from

James VI on 14 August 1613. In the following year the King returned his father's estates to him by charter.²⁷ By these devious means King James restored to Balmerino's son the honours of which, in that son's eyes, his father had been unjustly deprived. To the son only the injustice was apparent, but Charles I seems to have accepted the whole sordid tale at its face value. The first Lord Balmerino, in that king's opinion, had been rightly convicted of treason and he therefore had no reason to look 'for perfidiousness and ingratitude' from his son.²⁸ This was the King's view, but it lacked credibility. In any dispute involving the 2nd Lord Balmerino and his sovereign, it would be remembered that what one king had done to the father, another might do to his son. Of the backing of his fellow peers and popular support in and around Edinburgh he could therefore be certain.

In delivering the Supplication to the Archbishop, Peter Hay, whether by accident or design, had secured for its promoters the audience they sought. Spottiswood 'found himself obliged to acquaint the King thereof'.²⁹ As a result, Charles I probably for the first time, obtained a clear picture of the June Parliament as it appeared to the opposition.

The Supplication described itself as Humble, but the title was misleading. No seventeenth-century ruler would have seen it in that light.³⁰ In the very first paragraph attention was drawn to the King's unseemly behaviour in writing down the names of all those who had voted against the disputed acts.³¹ The paper went on to stress the importance of the acts themselves to those who opposed them and the fear they entertained 'of becoming obnoxious to Your Majestie's dislyke, if Your Highness did remain unacquainted with the reasons of our opinions'.³²

Pained surprise was then expressed that 'a prince of so much goodness as Your Majestie should censure those of a contrarie mynde to a resolution carried by a pluralitie of voyces in Council or Parliament'.³³ This criticism is surprising, as it appears to be an admission that the vote queried in Parliament had in fact given the King the majority he claimed. The criticism itself Charles I resented as it appeared to accuse him of 'manifest injustice'.³⁴

Throughout the Supplication a comparison was drawn between the generosity and fair-mindedness of previous kings and the unreasonable demands of their successor. 'Blessed King James' was praised for the tact shown in his handling of the 1609 Act on church apparel, which led to him 'compassionating the tender affections of his subjects'. In contrast to his moderation was his son's insistence on the 'subtill conjunction' of the acts, which, by making use of a 'sophisticated artifice' obliged his subjects either 'to vote undutifullie in the sacred point of Prerogative or unconscionable in the church novations'.³⁵

The fear of religious changes in Scotland was increased, so the Supplication asserted, by the tolerance accorded to Popery and Arminianism in England. From the second of these plagues, Scotland, it was pointed out, was not immune. This is one indication that in the field of religious dissent, the two countries were becoming increasingly aware of the common ground they shared, and from which the policies of Laud and the Scottish bishops could be challenged.

Although religion was at the heart of the Supplication, the nobility's resentment at what they saw as an assault on their privileges was almost as powerful a factor. Complaints which had been made before, were repeated by

Haig. The right conferred on the bishops to select the lords privileged to sit on the Articles, as we have seen earlier, was unacceptable to the nobility. The bishops' choice was also questioned, for the lords they nominated, it was claimed, were men of low standing and doubtful religious orthodoxy. The King's prohibition of any meetings either 'of your nobilitie among themselves or with the . . . Articles' was seen as an attack on the constitution of a free Parliament.³⁶ The peers, according to the Supplication, were joined in their protest by the gentry, who complained they had been prevented on Royal orders from informing the King of their concern over the abuse of the coinage and the rise in crime.

On the unacceptable level of taxation, all those backing the Supplication were agreed, but Haig's strictures called into question all the King's financial policies. In an attack on the Revocation, he pointed to the contrast between Charles I and his fifteenth-century ancestor, James I. It was that 'good King' who had remitted a large part of the taxation required to pay his ransom. This he had done, Haig argued, in spite of the fact that the patrimony of the Crown was greater under the current king than it had been in James I's day. This made nonsense of the King's claim, repeated in several proclamations, that as the Revocation was intended for the settling of the Royal patrimony, it did not constitute an additional tax.³⁷ With no incentive to publicise the King's financial needs, Haig drew a convincing picture of law-abiding subjects whose loyalty alone had prevented them from withholding their agreement to the Royal demands made in the recent Parliament. In mentioning some of these demands, the tone of the Supplication did not remain humble. Why, the King was asked, should any of the money so generously voted be paid 'to diverse

persons whose wastes and wants your good subjects are not obliged to supply' ?³⁸

Haig's previous experience as a pamphleteer stood him in good stead when presenting a case designed to evoke widespread popular support. As a means of demonstrating the supplicants' moderation, Haig drew the King's attention to the fact that when so many controversial acts were brought before Parliament, his critics had abstained from reminding him that some of the legislation proposed, contradicted Royal promises previously given. Nor had they voiced their disapproval of subsidies, which often, in their opinion, led more 'to matter of debate and processe betwix subjects and Tresaurers than to profit your treasurie'. They had even refrained from commenting on the unnecessarily high fees paid to royal officers who in their view did not require to be paid more 'for maintaining the dignitie of their places now as they were before Your Majestie's father succeeded to the croune of England'.³⁹

Among the promises the Supplication claimed had been both made and broken, two were likely to provoke the King's displeasure if questioned, because they involved him in a more personal way. The reimposition of a tax levied on annual rents contradicted an assurance supposedly given in the King's name by his Commissioner (the Marquis of Hamilton) at the 1621 Convention, that it would be levied only once. On that occasion, James VI asked his subjects to pay an unusual amount in tax to assist his son-in-law, the Prince Palatine, in his wars. This amounted to £400,000 Sc. and to it was added a new tax of the 20th penny of all annual rents, a scheme devised by the Earl of Haddington.⁴⁰ Though the tax was queried at subsequent Conventions, the King denied that any such promise had been given; as there is no

conclusive evidence that it had, it seems that people believed what they wished.⁴¹ Balfour's account emphasises King James's lengthy explanation of why extra money was required, but makes no mention of any promise given in exchange.⁴²

The second promise is hard either to confirm or deny. In the Supplication it was claimed that at the Conventions of 1625 and 1631, the King's officers gave their word that the 'heavie Greevances of the people' should not only be brought to their Royal master's notice, but remedied when Parliament next met. Nothing more was heard of them, and to those reading the Supplication, the omission would be blamed on the King. The Supplication ended by professing an 'obsequious resolution' to comply with the King's wishes, but was careful to indicate the parameters within which the commitment would be honoured. The King would be obeyed 'in everything that maketh not a breach in our religion and lawes or occasioneth offence to the weaker sort in the way of God's religion here established'.⁴³ In the King's eyes a resolution to which such conditions were attached would not be deemed obsequious.

The King's reaction to the Supplication was not long in coming. Contemporary writers opposed to prelacy naturally blamed the action taken against Balmerino on the bishops, but from the harsh wording of the indictment, it is evident that the King needed no encouragement in condemning what he saw as a direct attack both on his policies and person. He was not prepared to tolerate his subjects' criticism of the bishops and even less their strictures on the part he himself had played while Parliament sat. This is not altogether surprising. Even Balmerino's son, in the paper he wrote defending his father's actions, conceded that in the Supplication 'something be expressed

that may seem to be unpleasant and harsh'.⁴⁴

To Charles, the views expressed were far more shocking than that because they violated 'the law of God and laws of all nations' which enjoined on all subjects an obligation to obey one who 'ought to be revered, honoured and feared as God's lieutenant on earth'.⁴⁵ A commission was accordingly issued to certain members of the Council to interview Balmerino. Those named in the Commission were the Earl of Morton, Lord Treasurer, the Earl of Traquair, Treasurer Depute, the Archbishops of St Andrews and Glasgow, the Clerk Register, Sir John Hay of Barro and Alexander Maxwell, Bishop of Ross. Among the bishops, Ross was the only one to adopt a stance openly inimical to Balmerino.⁴⁶

It was on 7 June that Balmerino was cited to appear and at the meeting which then took place he did not deny that a copy of the Supplication was in his possession. A second meeting was arranged for 9 June (a Monday) and this gave Balmerino the opportunity he sought to meet Haig and show him the warrant of his citation.⁴⁷ The lawyer left Scotland immediately and wrote the first of four letters from the Netherlands acknowledging, for Balmerino's benefit, his authorship of the Supplication.⁴⁸

Meanwhile, by Royal warrant Balmerino was committed to prison in Edinburgh Castle. There he was to remain during the six months which elapsed before he was put on trial. As nobody yet knew of what crime he stood accused, speculation abounded.

With popular support behind the accused, it was the King who was on trial. This being so, it was greatly to his disadvantage that a confrontation so public, with such emotive issues at stake, should have lasted so long. If publicity is

what the supplicants wanted, they got even more of it than any could have envisaged, between June 1634 and March 1635. It should also be said that the conditions imposed on the accused were insulting to the nobility as well as to Balmerino. When the prisoner asked for permission to walk in the yard of the Castle and said that he had been refused the service either of a preacher or a physician, an argument developed in Court, which was not to the Crown's advantage. The Clerk Register 'in great rage' blamed the King's Advocate for not interrupting that part of the speech. '. . . after some hard words passed betwixt them', Sir John said to Balmerino, 'ye speak untruly . . . First as a minister my Lord St Andrews offered to preach to you himself, two, as to a physician, it was fatal to persons indicted as you were to want a physician, three, as to liberty to walk out, the Constable knew his duty'. Balmerino answered: 'I wonder that the Clerk of Register should be so forgetful as to judge and smoir [smear/distort] the truth.'⁴⁹

Meanwhile, the Commission interviewed witnesses and recorded their depositions. In the dittay (indictment) it was claimed that when Dunmure was first examined in March, he repeated the message Balmerino had then told him to deliver to Traquair (who was one of the Commissioners). It was 'that better men than the said John, Lord Balmerino, would set their faces to [i.e. justify] the said libel, at the least knew of the same'.⁵⁰ If Dunmure told the truth (part of his evidence Balmerino disputed) it shows that at this early stage in the proceedings, the latter was in confident mood. Balmerino went every day 'as if he had been some notorious malefactor' from the Castle to the Tolbooth.⁵¹ Even his wife was forbidden to visit him except in the presence of witnesses.⁵²

As William Haig, the witness whose evidence was central to the case, was unavailable, the letters he had addressed to Balmerino were considered by the Commission. In the first of them, dated 27 June, he reminded the peer how actively he had supported Somerset and expressed a hope that those who had approved of the Supplication would now make what efforts they could 'to relieve me of this cross'.⁵³

In the second letter, dated 1 July from Amsterdam, Haig referred to the publicity his correspondent's case was provoking at Court. He knew this through the Conservator, newly arrived from London, who asked him 'if I had heard nothing of a petition which a number (35) said he, of lords, had resolved to give to the King craving a relief of the act made in the church business and a discharge of any further payment and taxation'. Clearly the Conservator had come to the right source for information, but Haig expressed only ignorance. This surprised the Conservator. 'I protest', said he, 'that is a business in all men's mouths about court'.⁵⁴ It had reached the ears of Archbishop Laud as early as 14 March when he wrote to Traquair thanking him for 'the enclosed concerning Lord Balmerino, I can no way approve, for in the former you said it doth as good as proclaim to the world that he does not dislike the libel for itself, but only as it was delated (accused) and that amongst intelligent men must needs be doubtful whether in his heart he did not more dislike the declaration than the petition'.⁵⁵

A month later Traquair received a memorandum on the Supplication from the Lord Advocate, Sir Thomas Hope. 'As to that paper which you gave me as a copy of an infamous libel, I have read it and find much folly in it, which I abhor, but when I have wearied myself with perusing, I have not yet found

the [matter?] nor portion of punishment. And if it had been published by the authors, I do not see how they would be free of a heavy censure but because . . . it was found in a private man's hand, that puzzles me something and I shall think thereupon further'.⁵⁶ Hope's comments suggest that he did not view the Supplication in a very serious light.

Traquair's own attitude was more belligerent. In a letter he addressed to the King, on 14 June 1634, he expressed the hope that 'finding how much business has been made by the authors of that infamous libel' it would result in 'such seditious persons punished and the insolencies in them curbed'.⁵⁷ The second half of the letter underlines Traquair's determination to raise the taxes agreed upon in Parliament. As an ambitious politician, whose enthusiasm for increased taxation attracted no popular support, Traquair may have felt a strong line on the Supplication would gain him court approval. Following a tradition of which the King had already expressed his distaste, the Earl wrote to a neighbour asking him to be present 'with my best friends at the trial'.⁵⁸

On 14 October a decision on Balmerino's fate was reached when the King, in a letter addressed to the Earl of Kinnoull and others, announced his intention 'to put Lord Balmerino to the trial of an assize' (jury).⁵⁹ As a peer, the accused could not appear before an ordinary court. By the King's command, William Hay, Earl of Erroll, High Constable of Scotland, was appointed Chief Justice for the occasion, with the two ordinary Justice Deputies, Mr Alexander Colville and Mr James Robertoun, to act as his assistants. The Earl owed his appointment to the fact that as a result of Airth's disgrace, there was no Justice General *en poste*.⁶⁰ Assessors were also appointed, of whom one was Sir Robert Spottiswood, Lord President of the

Court of Session. The other two were Sir John Hay of Barro, Bt., Clerk Register, and Sir James Learmonth of Balcomie, another Sessioner. The Assessors were appointed by Act of Sederunt, 2 December 1634. Balfour stated that four were appointed, but named only three. All of them in his view were 'men sworn to the bishops, and favourers of the corruption of the time'.⁶¹

In the dittay (indictment) the panel (the accused) was delated (accused) of art and part (contriver and partner) of the penning and setting down of a scandalous Libel and divulging and dispersing it amongst His Majesty's lieges: at the least of concealing and not revealing of Mr William Haig and not apprehending of him the said principal author of the . . . Libel'.⁶² The charges were brought under two separate Acts both dating from Parliaments held during the previous reign. The second Act was a ratification and an extension of the first.⁶³

As Burnet noted, the loose wording of the Acts made it a capital offence in Scotland, not only to spread lies about the King or his government, or to alienate his subjects from either, but not to denounce anyone known to have done so.⁶⁴ Because of his rank, Balmerino could be convicted only by a jury of whom the majority were peers, but in reaching a decision the judges who made up the Court were alone entitled to interpret the law. The jury could pass judgement only on the facts. The first day of the trial was 5 December. The dittay and the Supplication were both read out and Balmerino's counsel made their opening speeches in his defence. The first objection was to the presence of Sir John Hay as an assessor, on the grounds that he was acting for the prosecution, but the objection was overruled.

The defence then argued that the two acts on which the dittay was based provided no grounds in law for a criminal pursuit ‘in respect the said two acts and many others of that kind . . . have never been in observance, custom or practice heretofore’.⁶⁵ Balmerino’s counsel went on to plead that the dittay could not apply to a document which, it was agreed, had not been penned by the accused, and had even been brought to the King’s notice, before it was claimed to be scandalous. The second act cited (c. 205 passed at the 14th Parliament of James VI in 1594) was a ratification of an earlier act (c. 10, passed at the same king’s Parliament in 1585) directed against any subject who dared ‘to take upon hand publicly to disclaim or privately to speak or write any . . . reproach or slander of our persons, estate or government, or to deprave our laws and acts of parliament or misconstruct our proceedings whereby any misliking may be moved betwixt us and our nobility and loving subjects in time coming, under the fear of death’.⁶⁶ Under the second act a sweeping addition was added to its predecessor: anyone who hearing ‘the said leasing calumnies, or scandalous speeches . . . and apprehends not the author thereof . . . or reveals not the same to us or to any of our Privy Council or to our sheriff [and others, a long list follows] . . . the bearer and not revealer, and not apprehender . . . of the said leasing-makers (spreaders of calumnies against the sovereign) and authors of scandalous speeches . . . shall incur the like pain and punishment as the principal offender’.⁶⁷

The defence argued that with so many pitfalls to avoid, the law was brought into absurdity when ‘he that hears and not reveals a higher speech shall be punished as he who hears treason’.⁶⁸ In his reply the Lord Advocate stressed that ‘there runs no prescription against laws’ and this was especially

relevant when the law in question dealt with crimes which were equally punishable under the common law. He also denied the defence claim that 'Desuetude' (disuse) could be 'obtruded against acts of parliament, which has warrant from the common law'.⁶⁹

The defence drew a sharp distinction between an infamous libel and the humble Supplication Haig's petition was claimed to be. The innocence of the accused, in the opinion of one of his counsel, Mr John Nisbet, and the absence of 'any seditious and sinister intention' on his part was proved by the fact that in delivering the Supplication to Rothes, he hoped it would be shown to the King.⁷⁰

Throughout the trial great emphasis was laid by defence counsel on the blameless character of the accused, which made it all the more improbable that any crime deserving the death penalty should be committed by a nobleman, like Balmerino, 'known . . . to have been ane strict obsequious keeper and observer of His Sacred Majesty and his most noble progenitors, their acts and statutes'.⁷¹

Mr Roger Mowat and his colleagues presented a convincing picture of Balmerino and his fellow supplicants as loyal subjects whose petition could not be judged a libel unless proved to display 'maligning, detraction and calumny'.⁷² At the same time the defence could not deny 'the harshness of some expressions contained in the said . . . Supplication' but defended them on the grounds that a previous Supplication and remonstrance backed by many of the nobility had been well received by His Majesty. As this earlier remonstrance was 'no less expostulative nor this' the defence claimed that no charge should be brought against Balmerino, who was not even the author of

the second Supplication. This reference to an earlier petition, which the King found acceptable, is puzzling. From the Lord Advocate's reply, it seems to refer to Balmerino's Supplication when it was first shown to the King by Rothes, but it could not be claimed this was either a different document nor that it had won the King's approval.⁷³

One feature of Balmerino's Supplication which played an important part in the trial was the interlinings he had made on the copy handed in to the Commission when he was first examined in June. It was claimed by the prosecution that they provided evidence he had either written or advised on the writing of the Supplication himself. In reply he insisted that the interlinings had been added to the paper long after he had shown it to Rothes and that not even Dunmure had seen the additions.⁷⁴

On 9 December the court was still sitting, and the argument continued on the difference between a libel and a supplication. The Lord Advocate insisted that the law was clear on supplications and that 'to abuse the Sovereign cannot be concealed by a show of piety'. In reply Mr Nisbet argued that a man could have a seditious piece and not be a seditious concealer if he did not consider the piece seditious, 'And it were hard in law upon the errors of opinion, to infer the guilt of so atrocious a crime, which as all crimes, requires an express consent'.⁷⁵ He went on to claim there was no case to answer because 'the law adduced is of a libel presented to the prince and inflicting upon another person than the prince himself. And it has never been heard that any has been so inconsiderate as to present his own dittay to a prince'.

The arguments put forward by the defence that the paper condemned by the Crown as an infamous libel was no more than a humble Supplication was one

with which popular opinion in Edinburgh certainly agreed. Even a traditionalist like Drummond of Hawthornden voiced his disapproval of the trial in a letter addressed to the Earl of Ancrum: 'in a time when men for reading papers concerning the state are challenged', he observed, 'it must be a great hazard to write them and a greater to send them from home'. 'No prince,' he went on 'how great soever, can abolish pens'.⁷⁶ What neither the public nor even Drummond considered was that the Supplication was humble only in its outward form. Behind the carefully worded pleas for reform was the hint that the existing church system and the taxation of annual rents were illegal. Such a claim very few of Charles I's contemporaries would have expected him to accept.

Balmerino's advocates laid great emphasis on the fact that their client could not be convicted of advising Haig on the framing of the Supplication as he had given his 'great oath' to the Commission on 9 June that Haig had received no instructions from him to draw up such a petition. On the same day he handed over his copy of the Supplication and agreed to depone (testify). He had done so only, the defence asserted, on the assurance that this was not intended as a snare.⁷⁷ In reply the Lord Advocate said that as Haig's letter and the accused's oath constituted a denial but not a defence, the case must be submitted to an assize. 'It were a proclamation of universal impunity if an oath should determine [the outcome] of a trial'.⁷⁸

In claiming that the accused was not guilty of concealing the Supplication Mr Mowat argued that by showing it to Rothes, Balmerino was complying with the 1594 Act, as the Earl came within the category of those to whom questionable papers should be shown. He was not only a sheriff, but as an earl

‘by the laws of this country he is born a counsellor’.⁷⁹ In the Lord Advocate’s opinion, Mowat’s evidence altered nothing, as Rothes was not a Privy Councillor. This was an important point and one on which Balmerino’s fellow-peers would have rallied to his defence.

As the trial dragged on, Balmerino decided that it might be prudent to appeal to the King’s mercy by acknowledging his guilt. He did so reluctantly as ‘my fault’, in his opinion was ‘more in form than in matter’. Balmerino wrote two papers, explaining his predicament. In the first, dated 22 November 1634, he questioned the wisdom of confessing to crimes of which he did not think himself guilty.⁸⁰ In the second he described how after discussing whether to submit a petition to the King with the Archbishop of St Andrews, the Bishop of Ross and Traquair, he agreed to do so after receiving assurances ‘. . . made by the Justice General with consent of all there present that not only should nothing be recorded of their proceedings in the business until the King’s pleasure was known, but that they should all contribute their best help by remitting of my petition to the King’s Majesty’.⁸¹ That the King both received and read Balmerino’s submission is proved by the fact that he made notes on it in his own hand.⁸²

At a later date (25 March 1635), Lady Balmerino wrote to a cousin at court enclosing a petition for the Queen. Whoever presented it, she hoped would remind Her Majesty that the supplicant was a ‘born Frenchwoman’.⁸³ Her claim was based on the fact that her father had served the Crown in France.

Between 13 and 19 December the defence, with Mr John Nisbet taking the lead, concentrated on defending point by point the Supplication’s criticism of Royal policies. Those whose views it represented, he explained, were not

dissidents moved by 'faction and waywardness' but the King's most loyal subjects. If the Supplication stood accused of insulting the King, this belief, in Nisbet's opinion, was based on a misreading of the doubts and fears to which the petition owed its origin. The 'dutiful love' the King's subjects felt for him was proved by the fact that nearly all Charles's wishes had been met, and that even in matters over which there was dissent, his subjects had remained silent.

By 19 December consideration of the Supplication was completed and the next day the Earl of Erroll and his fellow judges announced the conclusion they had reached on the evidence put before them. They ruled that the criminal libel was relevant on three counts. Balmerino was found guilty in the first place of keeping and concealing the said libel contrary to acts of Parliament and not revealing it. He was also guilty of not apprehending the libeller when in his power, but of furthering his escape. On the third count he was convicted of being an 'advisor, diviser and consuler', which meant he was proved to be art and part of the said libel. The interlinings were judged a further proof of his guilt.⁸⁴ As a result of the Court's findings, Balmerino's case would be submitted to an assize.

In the letter Erroll wrote to the King on 22 December, he gave no more than cautious backing to the decision reached. It was, he wrote, only after 'much dispute and great opposition' that the indictment had been found relevant.⁸⁵

Balmerino asked that he should not be put on trial until the King was informed of the humble submission he now offered the Court. His plea was endorsed by Erroll, backed by his three assessors. Awaiting the King's instructions the Earl prorogued the Court until 11 February.

Before the assize met the King appointed a new Chancellor to take the place of Kinnoull, who had died the month before. His choice fell on John Spottiswood, Archbishop of St Andrews, and the appointment was bound to prove controversial, for never since the Reformation had any cleric been advanced to such high political office. As the date fixed for the trial approached, it was found difficult to secure an ostensibly honest trial, as nearly everyone in Edinburgh had not only taken sides, but made their views publicly known. Traquair was appointed chancellor (foreman) of the jury. According to Burnet he was rated the best speaker in the kingdom.⁸⁶

Of the fifteen jurymen chosen, eight were challenged by the defence, but of these only one, Lord Blantyre, consented to stand down.⁸⁷ It was claimed by Balmerino's supporters that the jury consisted only of his enemies, appointed to secure a conviction, but from the votes cast this would seem to be an exaggeration. The Earl of Lauderdale, for one, before the trial began made it evident that he would not condemn the accused, because 'I have no wish to lose my soul'.⁸⁸

When 11 February arrived, the trial was delayed until 18 March and when that date came, one of the advocates, Mowat, was ill with gout, so it eventually took place on 20 March. When the jury was shut up, one of them, Gordon of Buckie, made a disturbing speech. After apologising for being the first to offer an opinion, he told his companions that he still reproached himself for the part he had played in the murder of the Earl of Moray over forty years before and that he had found the King's forgiveness easier to obtain than that of God. 'As he spoke the tears ran over his face' and this 'struck a damp on them all'.⁸⁹

Gordon's outburst can only have heightened the emotional atmosphere surrounding the trial, and in his reply Traquair argued strongly that they were not asked to decide whether the law was harsh or not, but to remember that the Supplication had already been condemned as lying by the Court. This left the jury with only one duty to perform, namely to consider whether the accused had 'discovered' (reported) the author of the paper or not. The Earl of Lauderdale, though no friend of Balmerino's, took up the cudgels in his defence. Some laws which were never enforced, he argued, were regarded as mere threats and though it was indeed a capital crime to conceal the author of a seditious paper, this should not apply in a case where the paper's guilt was far from evident.

The dispute which followed lasted many hours and the trial itself ended, as it had begun, on a dramatic note. As at the Parliament held two years before, there was disagreement on the voting. The Earl Marischal, who was on the jury, later declared that he was not among those who had fyled (condemned) Balmerino. The court sat up all night, he said, and by the time it reached a decision, it was morning and he had fallen asleep. His silence was then wrongly construed as a vote against the accused, who was duly convicted by the casting vote of the chancellor (foreman of the jury), Traquair.⁹⁰

The King probably never intended to do more in ordering Balmerino's trial than to silence his opponents. Once the verdict went in his favour he may have expected some gratitude, by waiving the death sentence, as he then did, and granting Balmerino a pardon. The opposite happened. On two separate counts the King's standing was damaged by the outcome of the trial. In the first place, Balmerino's pardon, so grudgingly conceded, was attributed not to the

King, but to Traquair. Secondly, the trial brought together over a long period of time a group of influential individuals who came increasingly to question Crown policies.⁹¹

The trial attracted so much adverse publicity in Edinburgh that the eight jurymen who had condemned Balmerino, in particular Traquair, probably hoped, if only in the interest of public safety, for a reprieve. Had it not been granted, there were rumours that they might be assaulted and their houses burnt.⁹² Balmerino's imprisonment had lasted over thirteen months before he was released in July 1635. In a letter from the King addressed to the Earls of Morton and Traquair, dated 13 June 1635, he instructed the Council to release Balmerino, but it was not until November that he was allowed to go more than six miles from his house at Balmerino. In the same letter the King declared that 'out of Royal clemency we will not have him suffer any way in his estate'.⁹³

It was the bishops, with Archbishop Spottiswood as their spokesman, who were blamed more than any other group for Balmerino's misfortunes. There was another reason for their unpopularity. As Bishop Guthrie noted in his memoirs, the nobles, particularly those who had failed to achieve state preferment, were easily persuaded to turn against the bishops. Their lack of advancement could then be blamed on the prelates. At the same time those in high places feared that the bishops might have designs on the offices they held 'that they thought it not enough to trample on the Church but strove also to domineer over the state'.⁹⁴

The nobles were also incensed by the methods used to bring down one of their own order. James VI's public humiliation of the first Lord Balmerino was

accepted, if with reservations, by the nobility of the day and did not weaken the King's authority. The very different reaction of the nobles in 1634–5 to the second Lord Balmerino's trial shows how greatly the political climate had changed in Scotland since the previous king's reign.

The trial was damaging to Charles I in several different ways. By adopting the stand he did, he ensured the unpopularity of the bishops. He united the nobility against the Crown and made enemies of some who were his natural supporters. He emerged from the trial as a deceitful, untruthful king whose policies were directed against the nobility. He also afforded his opponents an opportunity to discover the way in which their efforts should be directed, if they wished to succeed in politics. They saw how pulpits could be used as radio stations are now, and how to harness public opinion in Edinburgh to a popular cause. The careful planning that an incipient Covenanter like Alexander Henderson devoted to the next public demonstration in Scotland, namely the riot in St Giles three years later, owed much to the lessons learned through the Supplication.

Henderson, as a promoter of the National Covenant, was backed by the King's Advocate, Sir Thomas Hope. This raises another question. Did Sir Thomas, whose religious views were those of the Supplicants, ensure that Balmerino's trial lasted so long that it seriously damaged the King's authority? Was he one of those who, as has already been discussed, may have used the Supplication as a means of engaging the King in a dialogue denied to its promoters in Parliament? If Balmerino, in this context, was a figure well suited to the part he was called upon to play, so too, it could be argued, was William Haig. With well-connected relations to protect his interests while abroad he

could leave the country and back up Balmerino's statements from the safety of the Low Countries.

Throughout the trial it was claimed that Haig was the sole author of the paper under attack. This was only partly true. The Supplication covered most of the same ground as previous petitions which Rothes and others had helped to draft. What Haig did was to shape the ideas he shared with the group of which Rothes was the leader, and give them a sharper, legalistic edge. As the official author, he then accepted the role of scapegoat knowing that he was in a better position to escape punishment than the more prominent dissidents. Haig, as we have seen, had opposed Crown policies before and never shirked controversy. At the same time, he could not have known quite how much trouble the Supplication was to bring him.

None of the facts just mentioned prove that Balmerino's trial was an event deliberately contrived by its ostensible victims. The doubts aroused by Dunmure's unexpected behaviour and the parts played by Balmerino and Haig in the drama which resulted, do not carry one beyond speculation.

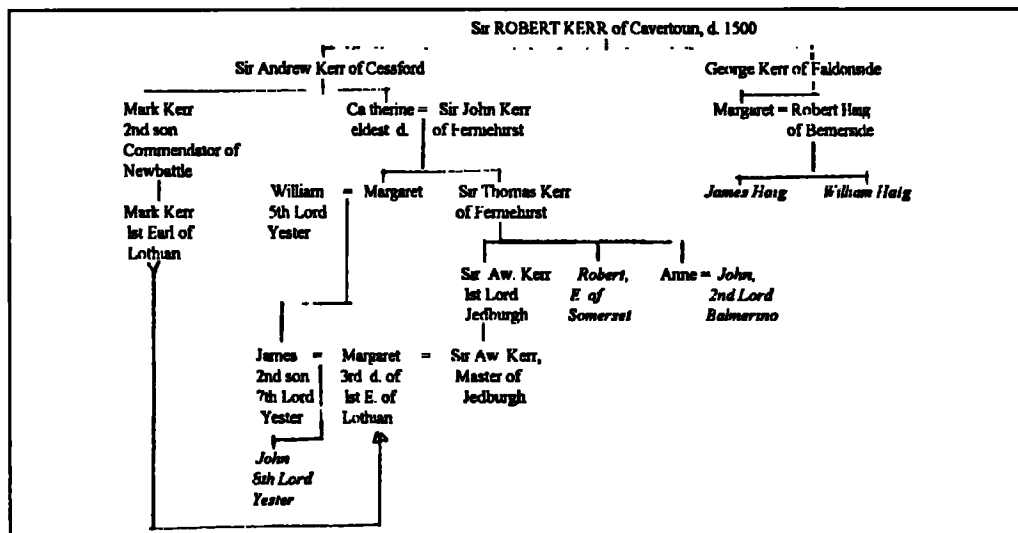
What is certain, however, is that they deserve greater consideration than they have hitherto received. A case can be made that the trial was deliberately engineered and this possibility should not be ignored.

Notes

1. Formerly Sir William Alexander, who was made Earl of Stirling in 1633.
2. Balfour, *Historical Works*, II, 200.
3. *Stirling's Register*, I, 352-3. Insh, *Scottish Colonial Schemes*, 16-26, 85. They were surrendered under the Treaty of St-Germain-en-Laye, 29 March 1632.
4. *RPC*, XIII, 720-22; *RPC*, 2nd series, 1 XVIII-XVIX, 122-4, 655.
5. *Peerage of Scotland*, VIII, 170-176.
6. Burnet, *History*, I, 27.
7. Clarendon, *The History of the Rebellion and Civil War in England*, ed. W. D. Macray, 6 vols. (Oxford, 1888), I, 108.
8. Row, *History*, 376-81. An earlier supplication intended to be presented to the King while Parliament sat is given on pp. 364-6.
9. *RPC*, 2nd series, IV, 65-66; Haig's suggested tax reform, which he proposed to the King in 1630, was turned down by the Council.
10. *RPC*, 2nd series, IV, 65-66, 109, 112, 116, 121-3; GD 405/1/255, 256, 258; *Book of Caerlaverock*, II, 48.
11. J. Russell, *The Haigs of Bemersyde, A Family History* (Edinburgh, 1881), 134.
12. *State Trials*, III, 706.
13. *Ibid.*, III, 706.
14. *Ibid.*, III, 629.
15. Burnet, *History*, I, 34; Guthry, *Memoirs*, 11. The Supplication Wodrow, fo. xvi; Row, 376-381.
16. Burnet, *History*, I, 30.
17. *State Trials*, III, 608.
18. *Ibid.*, 693.
19. Burnet, *History*, I, 35.
20. *State Trials*, III, 597, 593.

21. Burnet, *History*, supplemented H. Foxcroft (Oxford, 1902), 20.
22. *State Trials*, III, 692-3. Dunmure's first deposition was made on 14 March.
23. Balfour, *Historical Works*, II, 219-20.
24. *Ibid.*, II, 142-143; Row, *History*, 381.
25. Clarendon, *History*, I, 171.
26. Calderwood, *History*, V, 740-44, VI, 789-818, 825; VII, 10-15; *RPC*, VIII, 9; *SP*, I, 557-67. The first Lord Balmerino's defence of his actions is in Moray Papers, box 40, 1-68 (35).
27. *SP*, I, 558-561.
28. *A Large Declaration concerning the late tumult in Scotland from their first originals by the King*, London publisher Robert Young HM's printer for Scotland, 1639. The official author was the King, but the construction was by Dr Balcanqual.
29. Guthry, *Memoirs*, 12.
30. It was a convention to use the word humble in a petition of this sort, but great emphasis was laid on the apposite nature of the title itself in the Supplication.
31. Row, *History*, 376. In the Large Declaration the King made it plain how much he resented the accusation of interfering with the vote.
32. *Ibid.*, 376.
33. *Ibid.*, 377.
34. *State Trials*, III, 598.
35. Row, 378.
36. *Ibid.*, 379.
37. *Ibid.*, 379-80.
38. Row, 380; *State Trials*, III, 597-600.
39. Row, 380.
40. Balfour, II, 84; *APS*, (1621), IV, 597-600.
41. *State Trials*, III, 600.
42. Balfour, *Historical Works*, II, 86-90.

43. Row, *History*, 380-81.
44. Moray Papers, box 40, nos. 615-705 (655).
45. *State Trials*, III, 598.
46. Row, *History*, 383.
47. *State Trials*, III, 602.
48. *Ibid.*, 699-701.
49. NLS, Wodrow; *Hay of Tweeddale*, Wodrow misc., Appendix IX, 95 quoted in J.A. Inglis, 'Sir John Hay the Incendiary', *SHR* XV (1918), 124-145.
50. *State Trials*, III, 602.
51. Balfour, *Historical Works*, II, 217.
52. Row, *History*, 383.
53. *State Trials*, III, 700. Among the Moray Papers are several showing how closely Haig was involved in the financial affairs of the Earl of Lothian, Lord and Lady Hay of Yester as well as Somerset's: Box 40, 615-658, letter 658; box 43, 33-37.



Family tree showing William Haig's connections

54. *State Trials*, III, 701.
55. Traquair Ho. MSS, bundle 11.
56. *Ibid.*, bundle 13: Memo for the Earl of Traquair.
57. *Ibid.*, bundle 29.
58. SRO GD, *Calendar of Dalguise Muniments*, 38/2/1/50.

59. Traquair Ho. MSS, bundle 29.
60. *Selected Justiciary Cases*, ed. S. Gill (1953) 1, 229.
61. Balfour, *Historical Works*, II, 218.
62. *State Trials*, III, 593.
63. *Ibid.*, 597-611.
64. *State Trials*, III, 597; Burnet, *History*, 35.
65. *State Trials*, III, 613; Traquair Ho. MSS, bundle 29 gives an abbreviation of the pleadings.
66. *State Trials*, III, 597.
67. *Ibid.*, 597.
68. *State Trials*, III, 517. The two acts are not the same in *State Trials* and the *APS*. In *State Trials* the first act passed in 1583 is Act 10. In *APS* III 375 it is Act 1. The second Act passed 1594 in *State Trials* was Act 204 or 205 (both are given). In *APS* IV 65 it is Act 15.
69. *State Trials*, III, 615.
70. *Ibid.*, 622.
71. *Ibid.*, 613.
72. *Ibid.*, 626
73. *Ibid.*, 627-8.
74. *Ibid.*, 639.
75. *Ibid.*, 631.
76. P. Masson, *Drummond of Hawthornden* (London, 1873), 257.
77. *State Trials*, III, 673.
78. *Ibid.*, 644.
79. *Ibid.*, 665.
80. Moray Papers, box 40, 615-638 (638).
81. Moray Papers, box 40, 615-705 (634); Row, *History*, 384-5.
82. Traquair Ho. MSS, bundle 29.
83. SRO GD, 40/2/I.68.

84. Balfour, *Historical Works*, II, 218-19; *State Trials*, III, 689.
85. Traquair Ho. MSS, bundle 29. The Earl of Erroll anent Balmerino's submission.
86. Burnet, *History*, I, 31.
87. Row, *History*, 386; *State Trials*, III, 690-1. The names of the jurymen were: William Keith, Earl Marischal; James Stuart, Earl of Moray; William Crichton, Earl of Dumfries; Mungo Murray, Viscount of Stormont; John Maitland, Earl of Lauderdale; John Stewart, Earl of Traquair; George Lord Forester; James Lord Johnstone; Sir Alexander Strachan of Thornton; Sir Robert Grierson of Lag; Sir John Charteris of Amisfield; Sir Alexander Nisbet of West Nisbet; Sir Patrick Agnew of Lachnaw, Sheriff of Galloway; Sir James Baillie of Lochend; and John Gordon of Buckie.
88. Burnet, *History*, I, 32-33.
89. *Ibid.*, 33.
90. Row, *History*, 387.
91. Burnet, *History*, I, 33-4.
92. *Ibid.*, 33.
93. Traquair Ho. MSS, bundle 29; Moray Papers, box 40, no. 1, 6, 615-705 (660); Row, 388-9.
94. Guthrie, *Memoirs*, 13.

Chapter 8

THE RISE OF OPPOSITION, TO 1637

After 1633 the Council was dealing, for the first time during his reign, with a king who had acquired some personal knowledge of his northern kingdom and the problems it faced. In political terms his visit had proved a disappointment in so far as he felt that some of the nobles had not given him the loyal support which was no more than his due.¹ In religious matters it irked him to discover that the liturgy ratified at the 1621 parliament (including the Five Articles) was still questioned. This was particularly evident in Edinburgh and neighbouring Fife. In a letter written by a prominent minister, Mr William Struthers, to Menteith in 1630, he warned him that the creation of bishops and kneeling were seen as two 'wounds'. Out of Edinburgh's 12,000 communicants less than half, he wrote, were prepared to kneel. The rest resorted to parishes where the rule was not enforced.² In a letter the King addressed in October 1633 to the archbishops and bishops of Scotland he told them that he had seen many things during his recent visit north, not all of which he found desirable.³ His confidence in the Privy Council was not reinforced by the complaints he had received while in Scotland. Lady Huntly and a daughter-in-law called on him at Holyrood to plead their cause and from the northern lowland lairds came a petition asking him to ensure their protection against the savage incursions of their Highland neighbours.⁴

If the King saw Scotland in a new light so did his Scottish subjects see him. One factor in their appraisal was not to Charles's advantage. This was that after his visit, even more than before it took place, he appeared to them

in the light of an alien. The formality of his manners and the distaste he showed for the road down which the national church appeared to be travelling, gave no comfort to many who were left with the impression of a prince both critical and remote.

If Charles disappointed the Scots by seeming too English, the English for their part were critical of the undue favour they felt he showed to Scots. It was Scots who dominated the Bedchamber and in 1631 a letter announced that 'Lady Roxburgh has got the upbringing of the King's young daughter so that now, in her old age, she has become a new courtier'.⁵ Although the amount of money both James VI and Charles I had bestowed on individual Scots since 1603 was probably less than rumour claimed, it was nevertheless a substantial sum. Between 1603 and 1625, out of the £850,000 stg. bestowed on leading court favourites, around one-third went to Scots.⁶ Largesse on this scale could only be a cause for envy on the part of the King's English subjects. Some of them also noted that though there were Englishmen on the Scottish Privy Council, none of them, apart from Laud, exercised any influence on the King's Scottish policies.⁷ A distinguished public servant, like Sir Thomas Wentworth, resented the fact that though in his capacity as Lord Deputy of Ireland, he dealt with a situation in which Ireland and Scotland were closely linked (only twelve miles of water separate Antrim from the Mull of Kintyre), his advice was not sought on Scottish matters.⁸

Like his father before him, Charles I kept his English advisers at arm's length when his northern kingdom was under discussion. As a result, to an observer like Clarendon, the King 'in his nature, too much inclined to the Scots nation'.⁹

To the Scots this was never apparent. They saw him not as a champion intent on securing their rights against the encroachments of an over-powerful neighbour, but as a foreign prince, unfamiliar with their ways. The considerable efforts Charles made to bring Edinburgh into line culturally with other European capitals aroused more misgivings than praise. He supported the initiative begun by his father to found a Scots Royal College of Physicians, but though the scheme was discussed at the 1633 Parliament, it came to nothing.¹⁰ In conferring the status of a cathedral on the High Kirk of St Giles, and insisting that the city fathers should build a Parliament House, he was more successful, in that both objects were achieved.¹¹ By 1641 the capital was furnished with a building of which it stood urgently in need. When William Brereton visited Edinburgh in 1636 he recorded that six courts of justice were still functioning in the Tolbooth. They included the Court of Session, the Exchequer, the Consistory, dealing with ecclesiastical matters, and one informal court presided over by a single judge and notable for its 'rudeness, disorder and confusion'.¹²

Neither the elevated status accorded to St Giles nor the Parliament House itself gained the city's approval. This was because the King's view of Edinburgh's needs was one he did not share with its Councillors. In place of a single church partitioned to accommodate three separate congregations, they were burdened with a cathedral and the necessity of building two new churches.¹³ The additional parishes which resulted brought about an increase in the number of ministers. All of them were entitled to larger stipends, as the King had already specified.¹⁴

The cost of the King's building programme was keenly felt in 1633 by a

City Council which was already faced with a substantial tax rise. As in 1625, the tax voted at the recent Parliament was felt by all classes to be unreasonably heavy. The Royal Burghs had particular cause to complain and none more so than Edinburgh. The tax on annual rents fell heavily on them all, but the capital had additional expenses it did not share with other towns. Since 1621 the composition it elected to pay in satisfaction of its tax liability had risen steeply from £40,000 Sc. to £100,000 Sc., a figure agreed in 1633. In that year festivities connected with the King's visit cost a further £40,000 Sc.¹⁵ Even the £12,000 Sc. presented to Charles by the Lord Provost, in the form of gold angels (coins) when he entered the city, was borrowed money.¹⁶

It was in Edinburgh that the King's subjects were most critical of his policies. Taxation and city costs stemming from his visit were both causes of dissatisfaction, and there were others. After Charles returned to England, Balmerino's Supplication and subsequent trial inflamed popular resentment, while the embellishment of the Chapel Royal at Holyrood evoked memories of Popish idolatry. Between 1633 and 1637 the proximity of Edinburgh to Fife accelerated the growth of opposition to the Crown and led to a closer understanding between ministers and nobles who were beginning to form a common front. Rothes and Balmerino, on the lay side, and Alexander Henderson, on the clerical, lived in or around Edinburgh. As a result, frequent meetings posed no problems. Those attending them also knew that in any public dispute with the King they could count on the active support of the Edinburgh populace.

This was evident after Balmerino's trial, when, according to one account, the jurors who had voted for the death penalty came close to meeting a similar

fate at the hands of an angry mob.¹⁷ The recent parliament, in which the King had taken such an active part, made his critics aware that he would be in no hurry to call another. This meant that any dialogue between Whitehall and Holyrood would involve no one other than Charles, backed by a few trusted courtiers, on the one hand, and a group of Privy Councillors who were still uncertain where his policies might lead, on the other.

At such a moment Airth's absence weakened the King's position. His success lay in providing the King and his Council with an efficient channel of communication from which both sides benefited. Recently it has been argued very persuasively that prior to his disgrace, the position he occupied and the influence he exerted over the King were altogether more considerable than is here suggested. This theory contradicts Airth's own assertion, set out in a letter he wrote to Morton in 1630, that he had never either sought or exercised great power because ' . . . matters of great consequence are both beyond my capacity and intention, so that I do not intend to meddle with them'.¹⁸ Addressed as it was to a public figure who knew him well, this was an odd claim for Airth to make if it was patently untrue. Although his influence in state matters may have been more limited than has been claimed, he certainly took part in the complicated game of court intrigue. Napier did not count him among his friends and it is interesting that when the ill-fated George Nicoll, who had access to confidential information, accused some leading Council members of malpractice in 1632, Airth was among those he named.¹⁹

After Airth's fall the ties between King and Council were never so close again, as the former failed to find any other member of that body to take his place. The Marquis of Hamilton was the most likely candidate. As the King's

cousin he enjoyed Charles's trust and his advice on Scottish matters was valued. What stood in his way was an indecisiveness which appeared very noticeable to those who came to know him at Court. One of them remarked that the 'air of his countenance had such a cloud on it that nature seems to have impressed *aliquid insigni*' [somewhat remarkable].²⁰ Clarendon's judgement was not dissimilar: 'His natural darkness and reservation . . . made him to be looked upon as a worse and more dangerous man than in truth he deserved to be.'²¹ Between 1634 and 1638 the Marquis played no significant part in public affairs and Clarendon was mistaken when he wrote that 'the King was absolutely advised on all the affairs of the Kingdom [Scotland] in 1633 and long before and after by the sole council of the Marquis of Hamilton'.²²

It was because Hamilton (after 1634) was temporarily divorced from domestic politics and Airth banished from the Court, that the King turned increasingly to the Councillors on whose support he felt he could rely. This gave Traquair the opportunity he sought and his grasp of finance was of particular value to an administration facing increasing economic problems. After Airth's fall, Traquair did everything in his power to fill the void created by his departure and after 1635 he was to prove an effective Lord High Treasurer. At the same time there was no warmth in the relationship between him and his sovereign, two very dissimilar men. In Traquair's dealings with his fellow nobles, there was also a degree of unease. When Balmerino's trial came to an end the crucial part he had played in that nobleman's condemnation was not easily forgotten and to the old established nobility he would always appear as something of a parvenu. Nevertheless his fortunes

undoubtedly rose as a result of Airth's fall. In 1633 the King granted him power to sign all packets sent 'about His Majesty's service'.²³ In a letter written about the same time one witness reported that there was no advancement to be hoped for during the King's stay in the north, 'for he [Morton] and my Lord Traquair hath the disposing of all places'.²⁴

Among the younger, home-based nobles whom Charles came to know better as a result of his coronation visit, there were none whose promotion he favoured. Although Rothes and Balmerino were both politically active, neither of them was a Privy Councillor and after the events of 1633 they were unlikely to retain the Royal approval they had enjoyed before. Rothes, in particular, had earned the King's displeasure and was 'among those of whom [he] had the worst opinion'.²⁵ This was unfortunate, for before his early death in 1641 the Earl was to moderate the views which earlier had aroused the King's antipathy.²⁶

The King's coldness towards Rothes extended to another noble, the Earl of Montrose, for reasons that are harder to fathom. The Earl's father had died in office, as Chancellor, in 1626, when his heir was only twelve. Subsequently, the King showed his goodwill to the family by remitting the feudal casualties of wardship and marriage.²⁷ Montrose played no part in the coronation, as he was completing his education on the continent, but three years later, on his way home, he came to Court 'to put himself into the King's service'. If he hoped for a favourable reception, he can only have been disappointed. The King greeted him coldly and no effort was made to attach a promising young man to the Royal cause. The incident aroused comment and the King's behaviour was blamed on Hamilton, who had acted as Montrose's sponsor. If

true it is indicative of the reliance Charles placed on the judgement of courtiers and on Hamilton's in particular. What it does not explain is why Hamilton should have acted as he did. The Earl was not known to him except as a travelling companion of his brother-in-law, the future Earl of Denbigh.²⁸

Among the younger nobles who were already members of the Council in 1633 was one whose affairs were well known to the King. This was the Earl of Argyll's heir, Lord Lorne. As events were to demonstrate, the dynastic problems he faced not only brought him into conflict with the King, but also led to a reversal of some of the policies which traditionally, his house had followed. Lorne's position is more easily understood if one considers his heritage.

Of the five leading families mentioned in an earlier chapter, the Campbells, whose chiefs had been Earls of Argyll since 1457, occupied a position which set them apart from all the others.²⁹ Their great possessions were largely confined to the West Highlands and this was the power base from which they operated. After the first Campbell of Argyll to bear the Gaelic patronymic of Mac Chailein Mor (the great son of Colin) made the momentous decision to throw in his lot with Robert the Bruce, his descendants subsequently found that they had no cause to regret it. The early Stuart kings were in no position to impose their rule in 'the Hieland where nane officeris of the law dar pass for fear of their lyves', so it suited them to support the ambition of a clan they looked upon as loyal.³⁰ In strengthening the relationship, the Campbell chiefs seized whatever chances were offered to them and in the great fifteenth-century struggle which developed between the Crown and the Lords of the Isles, they found, as they always did, that in supporting the King's policies

they were also advancing their own.

In the conflict which developed, the Crown, in the person of James IV, had only one end in view. This was the total destruction of the Lordship, which he saw as a clan confederacy dominated by the MacDonalds, whose ambitions posed a threat to national unity. The Lordship had grown in power throughout the fourteenth century until it was in a position to negotiate treaties with foreign powers and impose its own laws in what amounted to almost one-third of the territory of fifteenth-century Scotland.³¹ As a Macdonald the Lord of the Isles could command the loyalty of that clan's numerous branches as well as the septs and allied clans which looked to him for protection. In bringing about the downfall of such a powerful alliance the Crown could rely on the wholehearted support of the Campbells, who were well aware what great benefits would accrue to them as a result. In 1475 the first Earl of Argyll received a commission as Lieutenant and Commissary of Argyll and thereafter he and his successors represented the law in many parts of the West Highlands previously under the sway of the Macdonalds.³² One consequence of the break-up of the Lordship was an increase in clan feuds. They were still being actively pursued in the seventeenth century, with little discouragement on the part either of the Crown or the Earls of Argyll.³³ To the latter, other clans' dissensions proved no disadvantage. Over the centuries the Campbell domain expanded, until by the end of the seventeenth century the land on which they were entitled to levy rent amounted to about five hundred square miles.³⁴

The Campbell chiefs were overlords or feudal superiors to most of the chiefs and landholders in Argyll and some in Inverness-shire. Among the lands they acquired was Kintyre in 1607. This confirmed the hold Archibald, second

Earl of Argyll had gained over the peninsula in 1493. Following the fall of the last Macdonald Lord of the Isles, the Earl was appointed Crown Chamberlain of the forfeited lands.³⁵ The Campbell ownership of Kintyre was never accepted by the Macdonalds and in the 1630s their claims were advanced by the Marquis of Antrim, a McDonnell settled in Ireland but active at Charles I's Court.³⁶ Sir James Macdonald, the heir to the lost Lordship, claimed in the early seventeenth century that his forbears had owned Kintyre for six hundred years.³⁷

In their attitude to the Reformation and the changes resulting from it, the Earls of Argyll pursued an uncompromisingly Protestant line. It was a measure of the authority they exercised over the clan that in this they were followed by their numerous and in some cases powerful cadet branches.³⁸ In no other part of the Highlands was Protestantism more actively supported than in the Campbell fiefdom. With the dawn of the seventeenth century the seventh Earl of Argyll seemed secure in his inheritance. As Justice General of Scotland and a Privy Councillor he could play a part in national politics along lines traditional in his family.³⁹ After 1607 the possession of Kintyre allowed him to develop the fishing village of Ceanloch-Kilkerran under its new name of Campbelltown as a plantation peopled by settlers drawn from Bute and elsewhere.⁴⁰ He was also granted the power to expel all broken (masterless) men who were either Macdonalds or Macleans from the area.⁴¹

Although the Earl's successes advanced the Campbell cause, like most other Scottish noblemen of his day, his position, in financial terms, was precarious. The expeditions he had mounted in 1592 and 1611 against the proscribed clan Macgregor, were undertaken at the King's behest, but the cost

was borne by Argyll.⁴² James VI, like his forbears, made use of the Campbells in pacifying the West Highlands, and Argyll, like his predecessors, responded in the way expected of him. On this understanding the clan's fortunes were founded, but in 1610 the seventh Earl broke with family tradition by marrying, as his second wife, Anne Cornwallis, an English Catholic, whose religion he subsequently adopted. With his many creditors pressing for payment and Royal favour withdrawn, he took his second family abroad and served in a Spanish army. The change of allegiance made him many enemies.⁴³ In a letter sent from Madrid in 1619, he is mentioned contemptuously: 'His Majesty has many servants his equal and some his better'.⁴⁴

Before he went abroad Argyll countermanded the provisions he had made at an earlier date for Kintyre. In a charter drawn up in 1607 it went to Lord Lorne, but a later ratification of 1617 bestowed it instead on James Campbell, the six-year-old son of his second marriage who was ennobled as Lord Kintyre in 1626.⁴⁵ Why the King should have shown such favour to the son of a man who had courted his disapproval is not easily explained, especially as he punished the Earl in other ways. In spite of all the latter's pleas, he was never allowed to return to Scotland or manage the estates which, in his absence, were administered by his heir.⁴⁶ James Campbell's acquisition of both the lands and title of Kintyre was humiliating to Lorne and in the years that followed, the new peer's occupancy of Lochhead Castle was a source of friction between the two half-brothers.⁴⁷ Kintyre's change of ownership also disappointed their father's many creditors who had hoped that some of the money owing to them might come out of the rents. Although Lorne exercised

the authority his father had forfeited, he was too wary to feel secure. At any time the Earl might be reinstated.

With this in mind his son was careful to avoid revealing his opposition to the King's policies until his father died in 1638. Lorne's upbringing increased what was probably a natural reserve. His mother, a daughter of the sixth Earl of Morton, died shortly after he was born in 1607, leaving him as an only son with five elder sisters. After 1618 his father never returned to Scotland and with no parents to guide him, caution was thrust upon Lorne from an early age. It was his cousin, the sixth Earl of Morton, whom he addressed as 'dear father' but though the latter claimed he had brought him up and became his father-in-law in 1626 when Lorne married his daughter Margaret, the two were never close.⁴⁸

No part of Lorne's education took him abroad. Unlike so many of his fellow peers, he travelled no further than St Andrews University, which he left after matriculating c.1624. His insularity struck M. de Boisiven, when the two met in 1643. The Frenchman found him 'intelligent in the highest degree as to what concerns Scotland, but nothing more'.⁴⁹ What one observer saw as a limitation probably did him no disservice in the eyes of many Church of Scotland ministers. They respected him the more for avoiding any contact with the Popery of continental Europe and also recognised in him a man whose strong religious principals would always influence his political conduct.

A bitter quarrel with the Bishop of Galloway, Thomas Sydserf, which involved Lorne's brother-in-law, Alexander Gordon of Earlstoun, strengthened his belief that Episcopacy was unacceptable to the Church of Scotland. It also reinforced a prejudice he shared with many peers against bishops exercising

civil power. Earlstoun was convicted in a diocesan court, subordinate to the Court of High Commission, of non-conformity. He was fined and banished. Lorne paid the fine and argued his case before the Privy Council. The result showed not only the influence he exercised over its members but the sympathy they evinced for Earlstoun's stand.⁵⁰ His banishment was reversed.⁵¹ In another dispute with Sydserf, Lorne defended Samuel Rutherford, the influential minister of Anwoth in Galloway, who like Earlstoun was opposed to the Five Articles of Perth. Sydserf's ruling prevailed and Rutherford was banished to Aberdeen.⁵² To anyone observing these differences, it was clear that in any dispute over the status of bishops, Lord Lorne would be on the side of their opponents.

In the short time which elapsed, however, before religious dogma became a national issue, the fate of Kintyre was his prime concern. Its potential assets were considerable and had encouraged the seventh Earl to embark on a programme of expansion as soon as it became Campbell territory. A school was started at Campbelltown in 1622 and a church planned.⁵³ Two important strongholds, Dunaverty and Lochhead Castle, provided defence and the harbour at Campbelltown grew in importance as the village expanded in size. To endow a younger son, who would never be clan chief, with such a valuable part of what his elder brother regarded as his rightful inheritance, was a strangely divisive act on the part of Argyll. It also ran counter to the policies he had previously pursued when dealing with his heir. In 1618 he resigned all his lands and offices into Lorne's hands, a move brought about by his own conversion to Rome and insisted upon, according to one contemporary, by the King.⁵⁴ He kept the income from Kintyre as life rent, but renounced it in

1631, receiving instead a fixed annuity.⁵⁵ In 1628 when Lorne resigned in his father's name the hereditary office of Justice General for Scotland he still retained the heritable office of Justiciar of Argyll and Tarbert.⁵⁶ At no time did Lorne forget the powers his office conferred on him nor did he tolerate a lesser peer like the Earl of Sutherland presuming to enforce the law in what he saw as Argyll territory. Both Lorne and the Marquis of Hamilton claimed that Arran came under their jurisdiction.⁵⁷

In 1635 the Privy Council became involved in the affairs of Kintyre when its members learned that the Earl, through his son, was about to sell the peninsula to Viscount Dunluce whose father, the first Earl (and subsequently Marquis) of Antrim, was a MacDonnell of Dunyveg and the Glens. Although settled in Ireland since the marriage of a Macdonald to an Irish heiress in the fifteenth century, the Antrim branch of clan Donald had never lost hope of ousting the Campbells from Kintyre.⁵⁸ Lord Kintyre's sale of his land must have had his father's backing but was judged illegal. Under a previous charter it was stipulated that no member of clan Donald could offer for Kintyre. While the Privy Council sought the King's support in their opposition to the scheme, Lorne installed a garrison in Lochhead Castle to prevent his half-brother's return. The sale was stopped, Dunluce's attorney was sent for by the Council, and the charter he had drawn up, was destroyed.⁵⁹ A year later in 1636, Lord Kintyre resigned all the disputed territories, which included Jura, into the King's hands, who then bestowed them on Lorne.

The possession of Kintyre meant so much to Lorne and was the cause of so much bitterness that it was always a key factor in his relationship with Charles I. Although his Sovereign's goodwill gained him possession of an

important part of his patrimony, what had passed between them did not make him a King's man. To Clarendon, who respected but did not like him, this was proof of ingratitude. The King, he wrote, had favoured him at his father's expense. It was at the Royal bidding in 1618 that the Earl ceded him all his offices and lands. In addition, the King had given Lorne money.⁶⁰ For Lorne, gratitude was not a relevant factor. Suspicion came to him more easily than trust, and in the negotiations involving Kintyre, he had found it hard to trust anyone. Even Sir William Alexander, initially a dependant of his father's, proved unhelpful at a time when his support was needed.⁶¹ As for the King's role, Lorne probably viewed it, as his nature inclined him to do, without enthusiasm. One factor too important to be ignored was that Antrim was better placed than he to influence Charles I's future policy on Kintyre. The Marquis was a courtier, and through his marriage to the Duke of Buckingham's widow, he enjoyed the Royal favour. He also had Argyll's backing in seeking to possess what for centuries had been Macdonald property. In a letter dated 10 February 1634 Antrim expressed the hope that the King would not give way to Lorne over Kintyre. Lorne, he believed, 'wants elbow room in these parts'.⁶²

There were others at Court besides Antrim who took an interest in Kintyre. One of them was Laud. In a letter dated 14 March 1634 and addressed to Traquair, he raised the matter of Crown rights to the Lordship of Kintyre, as though the ownership was still unclear.⁶³ Lorne had good reason to believe that the matter was not settled. In 1644 his doubts were justified. The civil war was in progress when Antrim, with the King's approval, despatched a force of around 1,600 men from Ireland to the West Highlands. In command was a

Macdonald kinsman, Alasdair Mac Cholla Chiotaich, with orders to join forces with the King's Captain-General, the Marquis of Montrose. As events were to prove, what mattered most to the redoubtable Macdonald was not the King's service, but repossession of his clan's lost heritage.⁶⁴ The invaders were joined by two of Argyll's feudal vassals, Macdonald of Largie and Macdonald of Sanda, whose wife was a Campbell, so binding were clan loyalties.⁶⁵

Lorne's uncertainty over Kintyre, and his fear that in spite of the recent settlement ensuring him its possession, the King might at any time rescind the agreement and support a Macdonald counter-claim ensured that the traditional alliance between the Crown and the Campbells was at an end. In religious matters there was also a widening gap between the Royal policies and Lorne's response to them. It was not by chance that he would be found supporting the Act of Classes and other extreme Covenanting measures in 1648–1649.⁶⁶

The King had no adviser to warn him of Lorne's preoccupation with Kintyre and in view of Argyll's indifference to Campbell ambitions in that area, he had little incentive to find out. Besides, after Balmerino's Supplication was brought to his notice at the beginning of 1634, nothing that happened in Scotland was to him of equal significance. His preoccupation was shared by many Scots. The longer it took to decide on Balmerino's fate the more he was seen as a victim of Royal injustice. Feelings ran highest in Edinburgh, where for several months the accused awaited trial and lawyers argued over the case. No publicity could have proved more damaging to the King. When the long-awaited verdict was announced and Balmerino sentenced to death, the subsequent pardon he received did little to allay the fears of his fellow peers. If a *Supplication*, of which the condemned man was not the author, could

attract such dire punishment, it appeared unsafe for any nobleman to voice his opposition to Royal policies. On the King's part there was no realisation of the feelings aroused in Scotland by the trial. He saw Balmerino only as the ungrateful son of a Royal servant rightly condemned for a heinous offence in the previous reign. It was only through James VI's generosity, in his son's opinion, that the disgraced man's honours had been restored to his family.⁶⁷ There was no one in a position to inform Charles I that this was not how the fate of the first Lord Balmerino was viewed by his fellow countrymen.

The imprisonment of Lord Ochiltree and the Earl of Airth's fall from grace, followed by Balmerino's trial, were all events disturbing to other noblemen. Although in Airth's case it was his fellow peers who had played a leading part in his downfall, this could not be said of the others. Ochiltree's intemperate behaviour, it is true, attracted few admirers, but Balmerino's *Supplication* was widely supported and his condemnation deplored. The three cases were in all respects dissimilar, but they had one important factor in common, namely that the standing of the whole nobility was weakened by the apparent ease with which three of its members, who were all public figures, could be consigned to virtual oblivion.

The growing power of bishops also placed an increasing strain on the country's political balance. After the Reformation the laity showed no willingness to resign political power to the 'Lords of Spirituality'. James VI succeeded in reinstating them on the Privy Council and under Charles I they were seen as ambitious figures with political advancement open to them. The promotion of the Archbishop of St Andrews in 1635 to the highest state office as Lord Chancellor underlined the King's intentions. Between 1625 and 1631,

six bishops were made members of the Council. Thereafter their numbers rose steadily until, in 1637, there were ten.⁶⁸ From 1633 their attendance at Council meetings rose dramatically. The Archbishop of St Andrews was present at twenty-five meetings between August 1630 and December 1632, but between April 1635 and December 1637 the number rose to one hundred and eighty-six. The Bishop of Ross, John Maxwell, a judge since 1633, whose ambition to be made Treasurer upset Traquair, attended no Council meetings between 1630 and 1632, but eighty-seven between April 1635 and December 1637.⁶⁹ One English contemporary's contemptuous dismissal of bishops as 'neither fish nor flesh, but what it shall please their earthly God the King to make them' echoed what many Scots felt, but none more strongly than the nobles to whom they posed a political threat.⁷⁰ The lands and money which the King regarded as their due were only grudgingly conceded. To an influential public servant like the Earl of Haddington, their stipends were seen as a burden on the nobles and gentry. He also feared that bishops, with the King's approval, would reverse the erection of any church lands into hereditary lordships.⁷¹

This was a widespread fear, shared by all those (many of them Privy Councillors) whose acres were made up wholly or in part of church lands. Their fears turned to dismay in 1634 when Patrick Lindsay, Lord Lindores, sent a petition to Charles representing the 'danger and prejudice' arising from the King's decision to 'sign lately a signature in favour of Mr Andrew Learmonth of the abbacy of Lindores'. Learmonth was the minister of Liberton and Lord Lindores' objection to the transaction was threefold. In the first place he reminded the King that in bestowing such a gift, he was acting in a way

‘prejudicial to Your Majesty in yearly rent and casualties and by diminution of the number of your vassals for at present you have seven hundred vassals holding of you or your heritors’. His second objection concerned ‘the late act of annexation and superiority of kirklands’ which made Lord Lindores and the seven hundred already mentioned immediate tenants of the King. ‘An abbot betwixt your Majesty and them would be against the Acts of Parliament and bring sadness to your tenants’. The petition ends by pointing out that ‘the abbacy was utterly extinguished by the act of 1600, the benefice is abolished; the tithes are provided by this infeftment; the heritors have paid great sums of money for lands on which they had teinds to the lord of erection’. The last point he made was a telling one. The Act of Parliament of 1633 gave force of law to the actions of the commissioners who sorted this out. If Learmonth were encouraged to pursue the right of teinds ‘the heritors would be defrauded of the benefit you promised to those who bought their teinds’.⁷²

Lord Lindores’ petition was not the only unfavourable comment on the King’s gift of the abbey. The Earl of Haddington, after excusing himself for ‘meddling in affairs of Exchequer, where I have no place’ wrote a long account of the Revocation which, though not addressed to the King, was probably for his information. The Earl deplored a situation under which some, who had previously been the King’s vassals, would now ‘fall under the discretion of abbots, a word abolished in all reformed countries’.⁷³ He even drew attention to the old Scottish saying that King David I, a great benefactor of the church in the twelfth century, had proved ‘a sore saint to the Crown’. In an interesting passage Haddington noted that as the Acts of the 1633 Parliament were printed, ‘English men can read them and understand Scots. If

they hear and see what was pretended and promoted and hear by public report what things are now like, they may perchance think more than they will speak’.

In writing as he did, the Earl may have intended to warn the King that he might find there was English support for his views and an increasing awareness in the south of political events in Scotland. Haddington’s concern, he claimed, was shared by ‘many very considerable people’.⁷⁴ On 21 June 1635, Traquair wrote to the Marquis of Hamilton explaining why, in spite of the latter’s known disinclination ‘to meddle much with our business’ he needed his support. ‘The bishops boast’, he informed the Marquis, ‘that within two years they will be masters of all the teinds and church lands in Scotland, despite all that has been worked to the contrary, that they will have eight abbots in session. If His Majesty allows such a thing, they will be masters of half of Scotland.’⁷⁵ Sir William Brereton echoed his concern when in 1636 he reported fears he had heard expressed that by recovering the land and revenues belonging to abbeys, the clergy would acquire ‘a third of the kingdom’.⁷⁶ Traquair’s letter to Hamilton was followed by one he addressed to the King. With unusual bluntness, the Treasurer Depute warned his master ‘this signature would open a gap which would frustrate your resolutions for your subjects and diminish your financial gain. In duty therefore we humbly opine that you should not pass it at all or else give us or some of us leave to debate the same in your presence’.⁷⁷ In another letter the Earl of Roxburgh commented on ‘the violent proceedings of our bishops’ and added, ‘There is so great clamour and urgent fears upon this that I have not known the like’.⁷⁸

The intense feelings aroused by the King’s decision on Lindores Abbey had

far-reaching consequences. In all their letters to the King, his advisers stressed the point that by endowing Learmonth with rights which belonged to the Crown, he was acting against his own interest. Apart from the financial loss entailed, he was annulling legislation passed only two years before, by placing vassals who believed themselves to be his, under the dominion of a newly erected abbot. The change also posed a threat, as Roxburgh among others saw, 'to all men having church lands or teinds'.⁷⁹

Since the beginning of his reign Charles I had devoted much time and considerable energy to gain his subjects' acceptance of the Revocation. In the years of protracted negotiation this entailed, he was faced with the task of convincing the noblemen and some powerful lairds who formed the backbone of his administration that although his reforms lessened their power, they yielded some benefits as well. He was only partially successful but after Parliament had approved the Acts set before it in 1633, it appeared that many of the fears at first associated with the Revocation had been set at rest and the changed structure accepted as permanent. For this view, though the evidence is conflicting, there is some support. As early as 1628, when Sir William Graham of Claverhouse in Angus and a colleague were urged by the Privy Councillors to collect more submissions than they had previously sent it, their answer was that they knew of no one who would refuse to subscribe.⁸⁰ In an unsigned paper analysing the workings of the Revocation, its author argued that 'if all bishops and lords of erection be prepared to grant the King that proportion of the rent of their teinds that is equivalent to the offer made by the Earl of Melrose [Haddington], it shall so clearly appear that the King shall get rent without distress of any imposition upon the heritors further than the price

offered the rent of the teinds which they buy for their own use'.⁸¹

With Lindores Abbey in contention, the fears which the Revocation had first aroused, before they were partially allayed by the King's concessions, now returned.⁸² The church lands were once again the centre of controversy and rumours like the one reported by a travelling Englishman in 1636 that fifty-eight newly created abbots were likely to gain seats in Parliament were readily believed.⁸³ Underlying the worries of all those with an interest in church lands was an ongoing concern shared by most prominent Scots, on how best to contain their debts.⁸⁴ The suicide of the second Earl of Lothian in 1624 was a particularly shocking example of the shame inspired by clamorous creditors, but the Earl of Morton, who unlike Lothian, attained high office, derived little financial benefit from his exalted standing as Lord High Treasurer.⁸⁵ In 1636 the King advanced him £5,000 stg. to help him pay his debts out of money already owing to William Dick, the Edinburgh financier.⁸⁶ The King's need for money was equal to his subjects' but he was faced with the dilemma that any increase in his revenues could only be to their detriment. It was Traquair's claim that he had succeeded in increasing the Royal rents by one-third after 1634 but this figure must be set against an estimate that in the same year payments due annually from ordinary revenue amounted to £302,859 Sc.⁸⁷

Taxation and the need to augment the King's revenues were pressing concerns both to the King and his Councillors but no solution to either problem presented itself. The bargain struck with the Marquis of Hamilton illustrates the difficulties facing anyone attempting reform. In 1631 the Marquis obtained what one contemporary claimed to be 'the greatest gift that

ever was given in Scotland viz. the King's whole impost of wine for nine years, which will be about six-score thousand pounds yearly'.⁸⁸ Through this gift Hamilton was enabled to recover the money he had spent with the King's approval in raising troops to serve under Gustavus Adolphus. At the Parliament of 1633 the grant was renewed, but subsequently Traquair persuaded the King to ask Hamilton to resign a right too valuable for the Treasury to forego.⁸⁹ The Marquis was compensated out of the taxes voted in 1633, but what money he received amounted to much less than the wine impost. At the same time the Treasury lost money due to it in taxes.

In his role as Treasurer, Traquair had gained the King's confidence. In 1636 he was thanked by Charles for the improvement he had brought about in the customs and Crown rents 'without grievance to the people'.⁹⁰ This was an over-optimistic judgement on the King's part and reveals his unawareness of the discontent which existed at different levels of society over taxation.

At the same time, from the beginning of his reign Charles I had his eye on reform in monetary matters as in other fields. As noted earlier, the policy he backed was designed to remedy a weakness in the Scottish economy, namely, an influx of foreign money, matched by a shortage of native coin. The value of foreign currency could be hard to establish, with the exception of Dutch riksdallers, which were accepted as standard international currency throughout Europe at that time. The existence of the problem is illustrated by the fact that Dutch money was still circulating freely in at least one part of Scotland in the eighteenth century.⁹¹ To rectify what he saw as a damaging imbalance the King authorised an increase in the amount of copper minted, and after 1629 there was a steady rise in the number of coins released from the Cunzie House

(the Mint House).⁹² The policy did more to condone than rectify the problem of poor quality silver coin. In 1631 1,500 stone of copper (a stone weighed fourteen pounds) was coined as farthing pieces, each valued at three Scottish pennies. This was done to remedy a shortage in coins of low value, which were much needed in small business dealings. In his turgid welcome to King Charles in 1633, William Lithgow drew his Sovereign's attention to a need which still existed at that date.⁹³

To accelerate the improvements he considered necessary, the King made two important changes in the Treasury. In 1634 Sir William Alexander (who became Earl of Stirling in 1633) was granted a nine-year monopoly in the manufacture of copper coins.⁹⁴ He had incurred substantial debts in the public service as well as his own, both as Secretary of State and through his promotion of the Nova Scotia venture. As in Hamilton's case, the King had no way of paying him other than through the public purse. Charles I's second appointment was unexpected. In 1635 Nicolas Briot, the Frenchman mentioned earlier, who after 1625 became chief engraver at the English Mint, was sent north to advise on and improve the Scottish coinage.⁹⁵ His determination to introduce more modern milling methods initially encountered considerably opposition, but with the King's backing, he persevered. Finding that counterfeit money, which the Council condemned as 'foul and filthy dross' was very common in some areas and the imbalance between native and foreign coin persisted, the Council hit on a remedy. It was to recall all coins to the Cunzie House where they would be exchanged for new-minted money.⁹⁶ In 1635 the King confirmed Briot's earlier appointment of 1632 as Master of the Mint.⁹⁷ Later in the year, when the King demanded his recall, the Council was

dismayed to lose an official it had come to look upon as indispensable.⁹⁸

If popular opinion came to accept Briot, the same cannot be said of the Earl of Stirling's monopoly. In 1635 he and his son were given a patent appointing them masters of all the metals and minerals in the Kingdom for life.⁹⁹ Under the Earl's auspices two penny coins widely known as turners were introduced. Because they were considered overvalued, they were scorned and Stirling, as their promoter, much criticised. It added to his unpopularity that he was believed to be making a profit by debasing the coinage. The unlucky entrepreneur, who died in 1639, is remembered in bitter contemporary verses, of which this is one:

Upon ye twelfth day of April
In Stirling Kirk and Bowie's aisle
The Nova Scotia governors [*sic*]
The tokens of the new Turners
Was casten in a hole by night
For evil-doers hate the light.¹⁰⁰

If the King's Scottish administration was weakened by the inadequacy of the Royal revenues, his own standing was diminished by the resentment English trading practices aroused in the Scots. The complaints he received placed him in the vulnerable position of a king who was expected to judge between the conflicting demands of two countries competing for the same trade. It added to his problem that in most fields Scotland lacked both the capital and the expertise to compete on equal terms with its southern neighbour.

The salt industry provides an illustration of what was a perennial problem.

Salt was one of Scotland's main exports. It also added to the tax revenues. When it was proposed, in 1636, that this levy be increased, there was opposition from the trade. The King postponed a decision until two emissaries were sent south to put their case before him. Out of the two one eventually appeared and it was only after listening to him that Charles made up his mind. This shows a willingness on his part to compromise. He went further in proposing that the Scottish salt makers should join together in forming a corporation along the lines of one already operating in England.¹⁰¹ The existence of such a body might have facilitated negotiations when a conflict of interest arose between sellers in the north and buyers in the south. In 1637 the English salt merchants refused to take more than half of the 8,000 stone weight of salt the Scots were entitled to export. The English based their objection on the fact that they were asked to pay the current price for salt which they claimed was already a year old.¹⁰² As in most disagreements both sides had a case, but in the Scottish camp a sense of injustice was not mitigated by the personal and in effect helpful part played in the dispute by the King. What the chain of events underlined, in Scottish eyes, was that in any trading venture involving the two countries, Scotland's interest would come second to those of England. The demise of the Fishing Association, Nathaniel Udward's struggle to promote a whaling business in the face of English competition, and the difficulty of exporting salt, were all proof to Scots of the increasingly uneven balance of benefits which the Union of 1603 had brought about.

More dangerous to the Crown than trade disputes was a concern shared by all the Scots nobility over a decline in Royal patronage. There was a traditional

assumption that 'it is the duty of a king to be bountiful'.¹⁰³ James VI had been mindful of his obligations in this respect but by satisfying his Scottish subjects' expectations he had drastically curtailed his son's capacity to do the same. The distribution of what in pre-Reformation days had been church lands, linked with the creation of hereditary lordships, enabled King James to promote loyalty by rewarding service. Bounty on this scale was not at his son's disposal nor was he inclined to give away any further Crown lands at a time when pensions were a heavy burden on the Exchequer. Through the Revocation scheme his hope was to effect the surrender of temporal lordships.

Although many honours in the form of peerages and Nova Scotia baronetcies had been distributed since the new reign began, little money came with them. When the Lords, especially those who sat on the Privy Council, considered the King's policies, there was little in them to attract their support. Nothing suggested that the losses sustained as a result of the Revocation and the reform of the Court of Session by those who wielded the most influence and had traditionally possessed the most power in the country, would be made up to them in some other way. In effect, most rights were retained subject to renegotiations. Consequently, losses, both financial and political, fell to Charles I.

In the absence of such hopes the King's aim of abolishing all hereditary offices on top of his other reforms bred a feeling of insecurity. The fears aroused by the King's support for politically active bishops and Laud's increasing involvement in Scottish ecclesiastical affairs, led to the forging of closer links than had previously existed between the nobility and the ministers. Between 1634 and 1637 can be seen the dawn of an alliance between those

ministers whose dissent centred on the nascent service book and the lords whose disquiet over the King's lack of support for their order was reinforced by their opposition to an Anglicised church. The common ground which they discovered marked a change of attitude on both sides. When the Revocation was first conceived, it was the King rather than his lay advisers, who pressed for an increase in ministers' stipends. Haddington spoke for most of his fellow peers when he gave it as his opinion that the money granted to them a few years earlier did not entitle them to the increase currently envisaged. 'The Commission have been so generous that whereas by the 1617 settlement further increases were spoken against, they have been universally raised, even doubled'.¹⁰⁴

On one point the 'disassentors', both lay and clerical, were agreed. They had no desire to assist in the political advancement of bishops. As their ranks included many Councillors, this placed the Privy Council itself in an awkward position, as its office required it to support the King's policies. The uncertainty this occasioned is demonstrated by the Archbishop of St Andrew's proposal to Traquair that Council numbers should be increased to make up for those who did not attend.¹⁰⁵ As the 1630s advanced, a growth in national awareness led the nobility to identify more readily with an active, eloquent native church than a London-based king. Charles I's absence from Scotland was the cause of mixed feelings. The expense of James VI's only return visit to his native land in 1617 was still remembered when his son succeeded him on the throne. The fears it aroused was one reason why eight years passed before Charles came north to be crowned. The scale of the celebration which then took place was gratifying to national pride, but proved very costly.

Although there was no demand for his immediate return, it was apparent to all ambitious Scots, particularly those who were not on the Privy Council, that in the King's absence the pressure they could exert on him was limited.

After 1633 no plans were made to call another parliament and even with liturgical changes in prospect, no General Assembly was contemplated. The Bishop of Ross's frequent journeys south were an indication that the amended service book was a reality and in 1636 Stirling wrote to inform him that the King had approved the newly-printed Book of Canons.¹⁰⁶ This was ominous news for those who felt increasingly that all future reforms, both in the political and religious field, might well be implemented without either discussion or the approval of the only two bodies entitled to speak in the name of the whole nation, namely Parliament and a General Assembly.

When the Service Book made its first public appearance at St Giles, on 23 July 1637, it provoked a public outcry. Bishop Guthrie, in his *Memoirs*, gives a detailed account of how the event was managed, and though he is a hostile witness, the facts he gives are convincing.¹⁰⁷ Very few people were actively involved, but among them were Alexander Henderson, Balmerino and Rothes. It is tempting to believe that the *Supplication* had afforded them a new insight into the importance of public relations. Those chosen to disrupt the service by denouncing the Service Book were respectable matrons, well known to the organisers.¹⁰⁸

An attempt has been made in the course of his work to show, not only in which areas the King succeeded in alienating some of the most influential of his Scottish subjects, but the reasons why, in attempting govern Scotland, he was faced with a hard task. The antagonism aroused by the Revocation and his

reform of the Court of Session can be looked at in two ways. The programme of reform with which he presented the Council so soon after his accession, was not unreasonable in so far as the problems to which it was addressed undoubtedly existed. The inconvenience and frequent acts of injustice engendered by a system so antiquated as that of the teinds demanded reform, and the power exercised by a very small group through their joint membership of the Privy Council and the Court of Session, namely the executive and the judiciary, invited criticism.

The King can be commended for bringing about changes which even after his fall, were not reversed. Where he failed was in his inability to communicate with the very people on whose co-operation the success of his policies depended. This was a serious shortcoming and it aroused fears which he was always slow to address. Balmerino's case was badly mishandled and the King deserves blame for his prejudiced judgement which was arrived at largely on historic grounds. The disgrace of three other peers, though their misfortunes were not of his making, gave the nobility cause to see him as a sovereign with no regard for its status or privileges. The revised Service Book, and Charles I's insistence that it should be used, without the official backing of a General Assembly, showed no insight into the passions such a decision would arouse. In his dealings with the national church the King's fastidious good taste, which was a very strong thread in his personality, played a part in alienating him from his Scottish subjects. The Church of Scotland to which most of the nation was bound by strong ties, both emotional and intellectual, he saw as a bleak, bald religion shorn of all the liturgical beauty he so valued in the Church of England. Its outward crudity, as shown in the use made of St

Giles, could only be profoundly distasteful to an aesthete. It is perhaps because his mistakes and miscalculations are so easy to pinpoint that it is equally easy to overlook the difficulties he faced.

James VI bequeathed to him a Chancellor, Sir George Hay, who possessed neither political sophistication nor the manners required of a seventeenth-century courtier. Nithsdale was also part of the old king's legacy. A Scottish Bedchamber ensured that the information which reached the new king was all too often the outcome of provincial prejudice and court intrigue. The part played by members of the Bedchamber in their machinations involving Napier and Airth show what a strong position they were in, when access to the King was of prime importance.

The reform of the currency was always a matter of greater concern to the King than to the Privy Council. It was he who lent Nicolas Briot to the Cunzie House and attempted, with Napier's support, to tackle the vexed question of the coinage. These were positive acts but they failed to stir the Council. The success of Traquair, Charles's most effective Treasurer, brought more blame than praise to the Treasury. It was the King's misfortune in some of his endeavours and his fault in others that he received no praise for anything he did. The problems of the Revocation are better remembered than its eventual success. The riot in St Giles has an honourable place in folk history while few remember that Edinburgh owes its handsome Parliament House to his instigation. There is some truth in the comment that, 'in going to change the whole constellation of that church and kingdom, he raised no force to maintain what he was about to do, but trusted the whole management to the civil executive. By this all people saw the weakness of the government at the same

time that they complained of its rigour.’¹⁰⁹

Notes

1. *John Hay, Earl of Tweeddale, Autobiography 1626-1670*, ed. M. Lee, *SHR Misc.*, XII (1994), 65.
2. NLS Wod. MSS, fo. xlii (94).
3. *Stirling's Register*, II, 679.
4. *RPC*, 2nd series, V, 129-31; J. Spalding, *Memorialls*, 2 vols., I, 41.
5. SRO GD, 112/39/404. *Breadalbane Calendar of Letters 1600-1669*. A. Campbell of Glencarradale to Sir Colin Campbell, 22 November 1631.
6. Brown, 'Aristocratic Finances', 67; J. Wormald, 'Two kings or one,' *History*, LXVIII (1993), 207.
7. *RPC*, 2nd series, V, vi. Laud was appointed a member of the Privy Council in 1633, along with eight other Englishmen.
8. *The Earl of Strafford's Letters and Despatches*, ed. W. Knowler, 2 vols. (London, 1739), 11, 190.
9. Clarendon, *History*, 1, 178.
10. *APS*, V, 53. H. Ouston, 'York in Edinburgh. James VII and the Patronage of Learning in Scotland 1679-1688', *New Perspectives in the Politics and Culture of Early Modern Scotland* ed. J. Dwyer et al., (Glasgow, 1980), 139. James, Duke of York gave the College its charter in 1679 when acting as High Commissioner.
11. *A Source Book of Scottish History*, ed. W. Croft Dickinson, G. Donaldson, Isabel Milne, 3 vols. (Edinburgh, 1961), III, 83-4. The attendance at parliament had risen from about 67 in 1587 to about 170 in 1617.
12. *Early Travellers in Scotland*, ed. P. Hume Brown (Edinburgh, 1891), 137; *The Buildings of Scotland*, ed. C. McWilliam et al., 118-21; J. Grant, *Cassells' Old and New Edinburgh*, 3 vols. (London, 1883), I, 157-75: In *Cassells* it is claimed that the Parliament House was functioning in 1639 and cost £116,000 Sc. (equal to £9,667 stg.). Another estimate is £127,000 Sc. (equal to £10,583 stg.): Donaldson, *Scotland: James V-James VII*, 304.
13. 'Edinburgh' in McWilliam et al., *The Buildings of Scotland*, 172-6. Only one church, the Tron, was built.
14. *RPC*, 2nd series, I, 101-8, 163-7.
15. Donaldson, *Scotland: James V-James VII*, 304.

16. Spalding, *Memorialls*, I, 34: According to one account the money came from London Scots.
17. Bishop Burnet, *History*, I, 33. Burnet was born in 1643 so the evidence he collected about Balmerino's trial came, as he makes plain, from his father.
18. NLS, MS 60. fo. 71. In an analysis of Airth's influence see M. Lee, *The Road to Revolution*, pp. 43-49.
19. Nicoll was clerk to the King's Secretary for Scotland, Sir Archibald Acheson. Those he accused included the Chancellor, Morton, Traquair, Airth and Sir Thomas Hope but, interestingly, not Napier. His trial was conducted by the Council and the sentence he got was to be pilloried and exiled to France. *RPC*, 2nd series, V, xlv. 8, 21, 30, 37, 38, 558.
20. Sir Philip Warwick, *Memoirs of the Reign of Charles I* (London, 1702), 111.
21. Clarendon, *History*, IV, 508.
22. *Ibid.*, I, 107.
23. HMC, 9th Report, Part II, 245.
24. HMC, 5th Report; MSS of Erskine of Dun, 637: The writer was Patrick Maule.
25. Clarendon, *History*, I, 142.
26. *Ibid.*, III. 249-50. Clarendon claims that Rothes was won over by the King. Bishop Burnet, *History*, I, 37.
27. M. Napier, *Memoirs of Montrose*, 2 vols. (Edinburgh, 1856), I, 25.
28. P. Heylyn, *Cyprianus Anglicus or the history of the life and death of William, Archbishop of Canterbury* (London, 1671), 373. The author cited Lord Napier, Montrose's brother-in-law, as his informant.
29. *SP*, I, 332.
30. E. Cregeen, 'The Changing Role of the House of Argyll in the Scottish Highlands', *History and Social Anthropology*, ed. I. Lewis (London, 1968), 153.
31. D. Gregory, *History of the Western Highlands and the Isles of Scotland (1493-1625)* (Edinburgh, 1836), 25-85.
32. *Ibid.*, 84-5; Cregeen, 'Argyll', 156.
33. Gregory, *History*, 244, 276-7.
34. Cregeen, 'Argyll', 157.

35. A. McKerral, *Kintyre in the Seventeenth Century* (Edinburgh, 1948), 9; Sir I. Moncreiffe, *The Highland Clans* (London, 1967), 60-1: Donald Macdonald, Lord of the Isles (1387-1423) married the heiress to the Earldom of Ross, which brought with it the overlordship of Skye and Lewis. The earldom was annexed by the Crown in 1475 and since the forfeiture of the Lordship of the Isles in 1493 that title has belonged to the Crown; Gregory, *History*, 28-86.
36. J. Ohlmeyer, 'The Marquis of Antrim. A Stuart Turn-Kilt?', *History Today*, March (1993).
37. *Reg.Mag.Sig.S.* VI, No. 1911; F. Shaw, 'Land ownership in the Western Isles in the Seventeenth Century', *SHR*, LVI, (April, 1977), 34-48.
38. Cregeen, 'Argyll': The main Campbell branches were Breadalbane, Loudoun, Cawdor, Ardkinglas, Auchenbreck, Lochnell, Inverawe, and Strachur.
39. The first Earl of Argyll was made Lord High Chancellor in 1483 and the third Earl appointed Justice General in 1528. He was also Master of the King's Household and Warden of the Marches. The first two offices were hereditary. D. Gregory, op. cit., 84. *Peerage of Scotland* I, 337.
40. McKerral, *Kintyre*, 26: The new name of Campbelltown did not supplant the old one of Ceanlock-Kilkerran, alias Lochhead, until 1680.
41. *RPC*, VII, 749.
42. *RPC*, V, 41; *RPC*, IX, 166-70, 178-805; *SP*, I, 347-8: the Macgregors were under attack before they were proscribed in 1603; *Taymouth*, 77.
43. *CSP Dom. Charles I*, 1626-8, 389: Argyll was declared a rebel and a traitor in 1619 but pardoned in 1621. The Earl of Buccleuch was also said to have enlisted as a mercenary for financial reasons; Fraser, *Scotts of Buccleuch*, I, 250-1.
44. BL Add. MSS, 36444, Letter no. 95 to Sir John Digby 29 June 1630.
45. *APS*, IV, 559-60. *SP*, I, 350.
46. NLS, Ms 79, fo. 13, fo. 15; SRO GD, 112/39 (448).
47. Willcock, *The Great Marquess*, letter XXV, 364-5.
48. *Ibid.*, letter VI, 354; Balfour, *Historical Works*, III, 69-70.
49. *Montereul Correspondence*, ed. J. Fotheringham, 2 vols., II, Appendix 556, SHS (30) (1899): Letter to Brienne, 20 November 1643.

50. Row, in his *History*, 389, blames the bishop [sic] of Glasgow for bringing the case, but Baillie names Sydsenf: R. Baillie, *Letters and Journals 1637-1662*, ed. D. Laing, 3 vols., Bannatyne Club (Edinburgh, 1841-2), I, 16.
51. Spalding, *Memorialls*, V, 78.
52. Row, *History*, 396-7.
53. McKerral, *Kintyre*, 40.
54. Clarendon, *History*, II, 56. As D. Mathew points out in *Scotland under Charles I*, 233, it was family policy for the Earls of Argyll to hand over their hereditary offices to their eldest sons in their own lifetime. The third Earl did so in 1529 and the fourth in 1552.
55. Transaction confirmed in Parliament 1633; *APS*, V, 8; Willcock, *Marquess*, 20.
56. *Stirling's Register*, I, 252; *APS*, V, 77-81.
57. Willcock, *Marquess*, Letter xx, 362.
58. The Earl of Antrim traced his descent from Iain Mor (the Tanist) who was assassinated in 1427, having previously married the Bisset heiress to the Glens of Antrim. Iain Mor's elder brother Donald was High Chief of Clan Donald and Lord of the Isles. Their mother was a daughter of Robert II. The Macdonalds of Islay and Kintyre as well as the Antrim branch all sprang from the Bisset marriage; Moncreiffe, *Highland Clans*, 60. *Monro's Western Isles of Scotland*, ed. R. Munro. Edinburgh (1961). A. Mackenzie, *History of the Macdonalds and Lords of the Isles* (Inverness, 1881), 39-48, 89-122.
59. The attorney was Archibald Stewart of Blackhall: *RPC*, 2nd series, VI, 38; McKerral, *Kintyre*, 35.
60. Clarendon claims that the old Earl warned the King against his son 'a man of craft . . . [who] can love no man'; Clarendon, *History*, II, 56; *Stirling's Register*, 17 February 1628, King to Exchequer Lorne to get £4,000 stg.; Balfour, *Historical Works*, III, 70; Guthry, *Memoirs*, 14.
61. NLS, Mss 70, fo. 25, fo. 35, fo. 37.
62. Traquair Mss, 1/283 .
63. HMC, Traquair Ho. MSS, Appendix 2 (230) 256, Laud to Traquair re Kintyre.
64. E. Cowan, *Montrose, for Covenant and King* (London, 1977), 152; R. Stuart, *The Campaigns of Montrose* (Edinburgh, 1990), 39.
65. McKerral, *Kintyre*, 47.

66. J. King Hewison, *The Covenanters*, 2 vols. (Glasgow, 1913), I, 451-2.
67. *A Large Declaration*.
68. *RPC*, 2nd series, IV, VIII, 209; *ibid.*, V, VI; *ibid.*, VI, 253, 359, 549.
69. Foster, *The Church Before the Covenants*, 37-8; Guthry, *Memoirs*, 14.
70. 'Sir Anthony Weldon 1617', *Early Travellers in Scotland*, 100.
71. Fraser, *Haddington Memorials*, II, 149-51.
72. Traquair Ho. MSS, 8/13; SRO, SP 13/153.
73. *Ibid.*, 1/315.
74. *Ibid.*, 1/315.
75. *Ibid.*, 1/8217.
76. 'Sir William Brereton, 1636', *Early Travellers in Scotland*, 138.
77. Traquair Ho. MSS, 1/316.
78. *Ibid.*, 1/354. Earl of Roxburgh, June 1635.
79. *Ibid.*, 1/354.
80. *RPC*, 2nd series, II, 310.
81. NLS, Wodrow, fo. xlv, 30.
82. *Stirling's Register*, I, 86-7. King to the Session of 29 October 1626.
83. 'Sir William Brereton, 1636', *Early Travellers in Scotland*, 138: David Calderwood, who was opposed to bishops, was one of Brereton's informants.
84. *RPC*, 2nd series, I, cxliv-vi, provides a list of the fifteen peers who owned abbey lands.
85. Calderwood, *History*, VII, 595, 596. Lothian's death was blamed by his family on witchcraft.
86. HMC, 9th Report, Part 2. Traquair Ho. MSS, 247. King to Traquair, 12 May 1636.
87. W. Purves, *Revenues of the Scottish Crown*, xlv-vi; Traquair Ho. MSS, 12/38. Copy of a letter from Traquair to Duke of Lennox 17 July 1641.
88. SRO GD, 112/39 (445). David Primrose to Colin Campbell, 1 March 1631.

89. G. Burnet, *Memoires of James and William, Dukes of Hamilton* (London, 1677), 6-8, 25-6.
90. HMC, 9th Report, Part 2; Traquair Ho. MSS, 247.
91. R. Mitchison, 'The Athelestaneferd Case', *Transactions of the East Lothian Field and Naturalist Society*, XXIII, (1996).
92. *RPC*, 2nd series, III, xxxii; *ibid.*, IV, 525-6; *Stirling's Register*, II, 541.
93. *Scotland's welcome to her native sone and sovereigne Lord King Charles 1633. The Poetical Remains of William Lithgow*, ed. J. Maidment (Edinburgh, 1863).
94. *RPC*, 2nd series, V, 437.
95. *Ibid.*, VI, 98-9.
96. *Ibid.*, VI, 94, 360-2.
97. *Ibid.*, IV, xxvii, 564; VI, 98; J. Stewart, *The Scottish Coinage* (London, 1955), 105-10. Appendix II, 155-7.
98. *RPC*, 2nd series, VI. 505-6, 508-9. Immediately after receiving the King's letter the Council confirmed Briot's appointment as Master of the Mint.
99. *Stirling's Register*, II, 775; *RPC*, 2nd series, VI, 23. They were allowed to levy 1/20 in fee.
100. McGrail, *Stirling*, 186-7.
101. *RPC*, 2nd series, VI, 140, 175, 250; HMC, 9th Report, Part 2, Traquair Ho. MSS, 246.
102. HMC, 9th Report, Part 2. Traquair Ho. MSS, 253, 976. Yarmouth refused to accept any Scottish salt.
103. *Journal of British Studies*, XXV, Levy Peck (1986), 31: *Perspectives in Court Patronage in Early Stuart England*.
104. Traquair Ho. MSS, 1/315.
105. HMC, 9th Report, Part 2. Traquair Ho. MSS, 256.
106. G. Donaldson, *The Making of the Scottish Prayer Book of 1637* (Edinburgh, 1954); NLS, Wodrow, LXVI (22).
107. Guthry, *Memoirs*, 23-4.
108. Guthry, *Memoirs*, 23-4. It is probably no more than a coincidence that one of the women, Elspeth Craig, had the same name as Johnston of Warriston's mother; Brunton and Haig, *Senators of the College of*

Justice, 307.

109. Burnet, *History*, 35.

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124
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P.A.7
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